

A N
Authentick NARRATIVE of the
Whole PROCEEDINGS
O F

The COURT at St. *Margaret's Hill*,
Southwark, in the Months of *June* and
July, 1746.

BEING THE
T R I A L S
Of the following Rebel Officers.

VIZ.

Francis Townley, Col. *George Fletcher*,
John Berwick, *Thomas Deacon*, *David Morgan*,
Charles Deacon, *James Dawson*, *John Saunderson*,
Thomas Chadwick, *Thomas Syddall*, *James Willding*,
William Battrah, and *Alexander M'Grouther*; who were all convicted:
And *John Hunter* and *James Stretton*, who were acquitted.

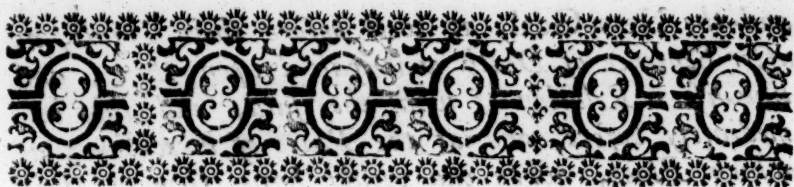
Together with
An ACCOUNT of *Christopher Taylor*, *Thomas Furnival*,
Andrew Blood, *James Gadd*, *Alexander Abernetby*,
James Nicholson, *Donald M'Donald*, and *Walter Ogilvie*,
who pleaded Guilty.

To which are added, at the End of each Trial,
The Behaviour, Confessions, and Dying Words
of those Nine that were executed on *Kennington Common*,
on *Wednesday* the 30th of *July*, 1746.

The Second Edition.

L O N D O N:

Printed for the Proprietor, who took the Whole down in
Court in Short Hand; and may be had of B. COLE,
Engraver, the Corner of *King's Head Court*, *Holbourn*.
[Price One Shilling.]



To the Publick.



I is thought necessary to acquaint the Readers of the following Sheets, that they will here find what will abundantly satisfy their Curiosity in relation to the Principles and Behaviour of those Rebels who have been tried for High-Treason, at St. Margaret's Hill, in Southwark. In the Particulars of the Trials (which were taken with all the Exactness possible, by a Person who attended the Court for that Purpose) the Candour of the Council, who open'd and spoke to the Indictments against them; the Uprightness and Impartiality of their Judges; the Integrity and Justness of the Evidence; and the Weakness of their own Defence, are so evident and conspicuous, that the most malicious and inveterate Enemies of the Government, have nothing to object against the Fairness of the Proceedings. And the Publick has entertain'd so favourable an Opinion of these Trials, as here publish'd, that the first Impression was soon sold off; and the Call for them since has been so great, that I have procured them to be re-printed.

In this second Impression, the Reader will find the Book enlarg'd to double the Quantity it was at first; occasion'd by an Addition of the Trials of the Scots Rebels, and the Dying Speeches of those Nine who were executed on Kennington Common. Here is given an Account of their Education, and Principles; and their Behaviour during their Imprisonment in Newgate,

and the New-Goal, as well before their Trials, as after Sentence of Death was pass'd upon them; and likewise a Relation of what they said, and did, immediately before, and at the Place of Execution; at which Place, when one would have thought their Minds should have been employ'd in Meditations upon their past Crimes, and the awful State they were just launching into, they wickedly employ'd those precious Moments in propagating, as far as in them lay, the Mischiefs and Calamities which they had been instrumental in bringing upon the Nation; and the very last Action of their Lives was, to scatter and disperse Papers among the Multitude, full of Treason, avowing the Principles upon which they had all along acted, and some of them expressing their Hopes, that their Children would continue in the same, even to the Loss of their Lives and Fortunes; as was excellently observ'd by the Lord Chief Justice Willes, in the Speech he made when he pass'd Judgment upon Alexander M^c Gruther, Sen. James Nicholson, Donald M^c Donald, and Walter Ogilvie, Saturday, Aug. 2. 1746.

In short, the Compiler of these Trials has spared no Pains or Expence in making them as complete, and as conformable to Truth as possible; the Evidence both for and against the Prisoners is given, without any Variation, or as little as the Nature of the Thing would admit of; nothing material is omitted, and nothing added to what was said and done.



A
NARRATIVE
OF THE
Tryals of the REBEL Prisoners,
ON THE
King's Commission of Oyer and Terminer,
at the Court-House on St. Margaret's-
Hill, Southwark, 1746.



N Monday, June 23, 1746. the Right Honourable the Lord Chief Justice *Lee*, the Right Honourable the Lord Chief Justice *Willes*, Sir *Martin Wright*, Sir *Thomas Burnet*, Sir *Thomas Abney*, Sir *James Reynolds*, Mr. *Baron Clarke*, and Mr. *Baron Clive*, attended by the several Officers, came in Proceſſion to the Town-Hall on St. *Margaret's-Hill*, *Southwark*, and open'd their ſpecial Commiſſion, for holding a Seſſion of Oyer and Terminer, and Goal Delivery for the County of *Surrey*; which
B being

being read, Sir *William Lee*, Lord Chief Justice of his Majesty's Court of *King's Bench*, gave the Grand Inquest a most learned and excellent Charge, and then they withdrew to the *Three-Tuns Tavern*, on *St. Margaret's Hill*, (where they had agreed to sit) and found Bills for High-Treason against the Earls of *Cromarty*, and *Kilmarnock*, and Lord *Balmerino*. The Names of the Gentlemen who were sworn on the Grand Jury are as follow, *viz.*

Sir William Richardson of Bermondsey, *Knt.*

Sir Abraham Shard of Kennington, *Knt.*

Sir Thomas Hankey of Clapham, *Knt.*

Sir Peter Thompson of Bermondsey, *Knt.*

Josias Wordsworth of Adscumb, *Esq;*

Percival Lewis of Putney, *Esq;*

John Copeland of Camberwell, *Esq;*

Charles Hoskins of Croydon, *Esq;*

Joseph Willoughby of the same, *Esq;*

John Heathfield of the same, *Esq;*

Samuel Nicholson of the same, *Esq;*

Joseph Creswick of Streatham, *Esq;*

William Clark of Southwark, *Esq;*

Thomas Bevois of Bermondsey, *Esq;*

Elias Bird of Rotherhithe, *Esq;*

Thomas Tarrant of Southwark, *Esq;*

Richard Stevens of the same, *Esq;*

Henry Robinson of Wandsworth, *Esq;*

Nathaniel Green of Southwark, *Esq;*

Isaac Eels of Lambeth, *Esq;*

John Smith of the same, *Esq;*

Hemmet Richardson of Bermondsey, *Esq;*

Samuel Atkinson of Croydon, *Esq;*

This Grand Inquest having on *Wednesday* the 25th, and *Thursday* the 26th of *June*, found Bills of Indictment against 34. of the Rebel Prisoners in Custody, they were brought to the Bar on *Thursday* the 3d of *July*,

July, and arraign'd on these Indictments, which were all laid for High-Treason, committed against his Majesty's Person and Government, in levying and carrying on a cruel and destructive War, &c. in these Kingdoms: To which Indictments, three that were arraign'd, pleaded *Guilty*, viz. *James Gadd*, a Captain in the Duke of *Perth's* Regiment; *Alexander Abernethy*, Captain in ditto; and *Thomas Furnival*, a Lieutenant in the *Manchester* Regiment. And all the others pleaded *Not guilty*, and for their Trials put themselves on God and their Country.

The Prisoners who pleaded *Not guilty*, presented Petitions to the Court, praying, That they might have further Time to prepare for their Trials; some of them alledging that their Witnesses were some hundred Miles Distance. On reading these Petitions, and the Petitioners making Oath, that the Contents of those Petitions were Matters of Fact, the Court adjourn'd to the next Day to consider of the same. And the Court being met accordingly, they came to a Resolution to defer the Trials of the *English* Prisoners to *Tuesday, July 15*; and the Trials of the *Scotch* Prisoners to the 25th of the same Month, the better to enable them to prepare for their Defence, and order'd them to send for all their Witnesses accordingly. — And then the Court adjourn'd.

Tuesday, July 15, 1746.

This Morning at Ten o'Clock, the following Judges came into Court, viz.

Lord Chief Justice *Lee*, Lord Chief Justice *Willes*, Mr. Justice *Wright*, Mr. Justice *Dennison*, Mr. Justice *Foster*, Mr. Justice *Abney*, Mr. Baron *Reynolds*, and Mr. Baron *Clive*.

And their Lordships being seated on the Bench, with Sir *Thomas De Veil*, Knt. and *Peter Theobalds*, Esq; (both Justices of the Peace for the County of *Surrey*, and Gentlemen named in the Special Commission)

mission). Order was given for Proclamation to be made.

Cryer of the Court. — All Manner of Persons that have any Thing more to do before my Lords the King's Justices, and other Commissioners of Oyer and Terminer, and Goal-Delivery for the County of Surrey, let them draw near, and give their Attendance.

And then the Cryer call'd over the several Jurors who had been impannell'd, whose Names are as follow, viz.

- 1 **D**aniel Ponton of Lambeth, *Starchmaker.*
- 2 John Hayward of Chelsham, *Gentleman.*
- 3 Thomas Raymond of the Parish of St. Saviour, *Linen-Draper.*
- 4 Michael Cuff of Battersea, *Gardener.*
- 5 Michael Constable of Dorkeing, *Yeoman.*
- 6 William Salter of Kingston, *Tallow-Chandler.*
- 7 James Glover of Croydon, *Mercer.*
- 8 Edward Brent of St. John's Parish, *Gentleman.*
- 9 Joseph Tew of the Parish of St. Olave, *Baker.*
- 10 Henry Goodyer of the Parish of St. Olave, *Leather-seller.*
- 11 James Spires of Wandsworth, *Gentleman.*
- 12 Francis Bartholomew of Egham, *Gentleman.*
- 13 William Golding of the Parish of St. Saviour, *Hop-Merchant.*
- 14 William Wright of Newington, *Gentleman.*
- 15 Robert Wood of Epsom, *Baker.*
- 16 William Brooker of Walton upon Thames, *Brewer.*
- 17 William Delver of the same, *Timber-Merchant.*
- 18 Abraham Mills of Rotherhithe, *Timber-Merchant.*
- 19 James Moulton of Croydon, *Gentleman.*
- 20 Richard Gibson of the same, *Gentleman.*
- 21 Edmund Brown of the same, *Brewer.*
- 22 Thomas Belch of Coulsdon, *Gentleman.*

23 Thomas

- 23 Thomas Dawson *of the Parish of St. George Southwark, Brasier.*
- 24 James Fowler *of the same, Broom-maker.*
- 25 Thomas Hill *of the same, Broom-maker.*
- 26 Richard Haddow *of the same, Baker.*
- 27 John Fowler *of the Parish of St. Thomas, Hat-maker.*
- 28 Christopher Stoakes *of Bermondsey, Fell-monger.*
- 29 Thomas Hattersley *of the Parish of St. Olave, Oilman.*
- 30 Thomas Howlett *of Kew, Bricklayer.*
- 31 William Hinchcliffe *of St. Olave, Skinner.*
- 32 Richard Beale *of the Parish of St. Saviour, Sadler.*
- 33 Timothy Hawkins *of Rotherhith, Linnen-draper.*
- 34 William Taylor *of the Parish of St. Saviour, Brewer.*
- 35 Philip Allaway junior *of Christ-Church, Shipwright.*
- 36 Richard Keys *of Newington, Innholder.*
- 37 David Pike *of Christ-Church, Shipwright.*
- 38 Joseph Fortee *of Lambeth, Potter.*
- 39 Harman Heath *of the same, Merchant.*
- 40 Edward Pollard *of the Parish of St. Saviour, Hop-merchant.*
- 41 Thomas Lintall *of the same, Cloth-worker.*
- 42 Richard Sidwell *of Bermondsey, Carpenter.*
- 43 Peter Batt *of Moredon, Yeoman.*
- 44 William Brumbridge *of Egham, Yeoman.*
- 45 James Pain *of Seal, Yeoman.*
- 46 Thomas Rooke *of Elstead, Yeoman.*
- 47 John Mills *of Godalming, Yeoman.*
- 48 Francis Simmonds *of Puttenham, Yeoman.*
- 49 Richard Sparkes *of Wonerth, Yeoman.*
- 50 William Shurlock *of Shere, Yeoman.*
- 51 James Smallpiece *of Bramley, Yeoman.*
- 52 Richard Toy *of Richmond, Grocer.*
- 53 Edward Oram *of the same, Gentleman.*
- 54 John Fielder *of Esthere, Yeoman.*

55 John

- 55 John Tickner of Kingston, *Carpenter.*
- 56 James Vinall of Eshere, *Wheelwright.*
- 57 John Otway of Ashstead, *Yeoman.*
- 58 Thomas Puplett of Banstead, *Yeoman.*
- 59 John Start of Epsome, *Corn-Chandler.*
- 60 Elin Edgar of the same, *Tallow-Chandler.*
- 61 Thomas Wright of the same, *Gentleman.*
- 62 William Steward of the same, *Yeoman.*
- 63 George Hart of Croydon, *Callicoe-printer.*
- 64 William Bridgstock of the same, *Farmer.*
- 65 John Heathfield of the same, *Oatmeal-man.*
- 66 John Rowles of the same, *Wheelwright.*
- 67 John Liverfedge of the Parish of St. George,
Grocer.
- 68 Robert Finch of the same, *Innholder.*
- 69 Joshua Brookes of the Parish of St. John, *Cooper.*
- 70 John Mason of the same, *Carpenter.*
- 71 Thomas Braple of the same, *Shipwright.*
- 72 George Fee of the same, *Brewer.*
- 73 Daniel Bartlett of the Parish of St. Olave, *Brasier.*
- 74 Thomas Burchett of the same, *Cheesemonger.*
- 75 John Hulme of the Parish of St. Saviour, *Tallow-
chandler.*
- 76 Henry Sherwin of the Parish of St. Thomas,
Looking-glass-maker.
- 77 William Wilkins of Bermondsey, *Gentleman.*
- 78 Body Spearman of the same, *Sail-maker.*
- 79 Joakim Faulk of the same, *Joiner.*
- 80 Jarvis Mason of the same, *Waterman.*
- 81 James Pew of Rotherhith, *Gentleman.*
- 82 John Haynes of the same, *Gentleman.*
- 83 William Warren of the same, *Mariner.*
- 84 George Hardy senior of the same, *Mariner.*
- 85 George Hardy junior of the same.
- 86 Henry Summers of the same, *Bricklayer.*
- 87 John Eufersun of the same, *Carpenter.*
- 88 George Reed of the same, *Gunsmith.*
- 89 John Lucy of the same, *Shipwright.*

- 90 Ralph Godfrey *of the same, Blacksmith.*
- 91 Abraham Goodwin *of Mortlake, Gentleman.*
- 92 Thomas Elliot *of the Parish of St. Saviour, Cooper.*
- 93 William Barnard *of Christ-Church, Coal-merchant.*
- 94 Michael Maynard *of the same, Coal-merchant.*
- 95 John Osborne *of the Parish of St. George, Pewterer.*
- 96 Thomas Andrews *of the same, Broker.*
- 97 William Matthews *of Newington, Pewterer.*
- 98 John Voice *of the Parish of St. Saviour, Bricklayer.*
- 99 Dionysius Fairclough *of Lambeth, Gardener.*
- 100 Thomas Clement *of Bletchingly, Grocer.*
- 101 Thomas Simmonds *the Younger, of Walton upon Thames, Yeoman.*
- 102 James Hill *of Croydon, Innholder.*
- 103 John Jeffries *of the same, Yeoman.*
- 104 Robert Lucas *of Coulsdon, Gentleman.*
- 105 Henry Rowed *of the same, Yeoman.*
- 106 John Clement *of Nutfield, Yeoman.*
- 107 Thomas Ruffel *of the same, Yeoman.*
- 108 George Aynscomb *of Gatton, Yeoman.*

Those that did not appear, their Default was mark'd, and then the Keeper of the County-Goal had Orders to bring *Francis Townley* to the Bar; which he did accordingly.

Clerk of the Arraignment. *Francis Townley*, hold up thy Hand, (*which he did.*) You the Prisoner at the Bar; these good Men whom you shall hear call'd, and personally appear, are to pass between our Sovereign Lord the King and you, upon the Trial of your Life and Death: If therefore you would challenge them, or any of them, you must speak to them as they come to the Book to be sworn, and before they are sworn.

Then

Then *Daniel Ponton* being call'd, appear'd, and the Prisoner lik'd of him as a Jury man, and then he (after several Challenges) with the following Gentlemen were sworn, *viz.*

- 1 *Daniel Ponton of Lambeth, Starch-maker.*
- 2 *John Haywood of Chelsham, Gentleman.*
- 3 *Michael Cuffe of Battersea, Gardener.*
- 4 *Francis Bartholomew of Egham, Gent.*
- 5 *Robert Wood of Epsom, Baker.*
- 6 *William Brooker of Walton upon Thames, Brewer.*
- 7 *Edmund Browne of Croydon, Brewer.*
- 8 *Thomas Belch of Coulsdon, Gentleman.*
- 9 *Thomas Dawson of St. George in Southwark, Brazier.*
- 10 *William Taylor of St. Saviour in Southwark, Brewer.*
- 11 *Thomas Lintall of the same, Cloth-worker.*
- 12 *James Paine of Seal, Yeoman.*

Clerk of the Arraignment. Count these.

Crier. *Daniel Ponton*, One, (and so on till the Twelve sworn all answer'd to their Names). All good Men and true, stand together, and hear your Evidence.

Then the Clerk of the Arraignment (after Silence commanded) read over his Indictment to him, which was as follows :

Francis Townley, late of the City of *Carlisle*, in the County of *Cumberland*, Gent. was indicted for that he (with *Andrew Blood*, and *George Fletcher*) not having the Fear of God in his Heart, nor regarding his Duty and Allegiance, but, being mov'd and seduc'd by the Instigation of the Devil, as a false Traitor against his most serene, illustrious, and excellent Prince *George the Second*, by the Grace of God of
Great

Great Britain, France, and Ireland, King, Defender of the Faith, &c. his supreme, true, lawful, rightful, and undoubted Sovereign Lord, the cordial Love, and due and true Obedience, Fidelity, and true Allegiance, which every Subject of our said Lord the King ought to bear, withdrawing, and utterly to extinguish, intending and contriving, and with all his Force purposing and designing, the Government of these Kingdoms to subvert, change, and alter; as also our said Lord the King, to Death, and final Destruction to put and bring, and these Kingdoms into intolerable and miserable Slavery to subdue and inthrall; and to fix on the Imperial Throne of these Realms, a Person call'd the Prince of *Wales*, in the Time of the late King *James* the Second, &c.

And the Indictment further chargeth, That he, the said *Francis Townley*, on the 10th Day of *November* last, in the 19th Year of the Reign of his present Majesty, did appear, array'd in a hostile Manner, at the City of *Carlisle* aforesaid, in the County of *Cumberland* aforesaid, with 3000 Persons and upwards, in a tumultuous and rebellious Manner, with Guns, Swords, Clubs, Staves, and other Weapons, offensive as well as defensive, with Drums beating, Colours flying, Pipes playing, and there, being so array'd, did, in a warlike and hostile Manner, levy a cruel War, and took Possession of the said City of *Carlisle*, and the Citadel of the same City, being a City and Citadel of our Sovereign Lord the King, and made a cruel Slaughter of the Subjects of our Sovereign Lord the King that now is, and the same City did keep, sustain, and defend.

And this Indictment is laid to be against the King's Peace, his Crown, and Dignity, the Duty of their Allegiance, and the Forms of the Statute in that Case made and provided, &c.

Clerk. Gentlemen, upon this Indictment, the
C Pri-

Prisoner at the Bar has been arraign'd, and thereunto has pleaded *Not guilty*, and for his Trial hath put himself upon God and his Country, which Country you are: Your Charge is to enquire, whether he be guilty of the High Treason whereof he stands indicted, or not guilty; if you find him guilty, you are to enquire what Goods and Chattels, Lands or Tenements he had at the Time of the High Treason committed, or at any Time since: If you find him not guilty, you are to enquire whether he fled for it; and if you find he fled for it, you are to enquire of his Goods and Chattels, as if you had found him guilty: If you find him not guilty, nor that he did fly for it, you are to say so, and no more, and hear your Evidence.

The Council for the King were Mr. Attorney General, Sir *John Strange*, Mr. Solicitor General, Sir *Richard Lloyd*, and the Honourable Mr. *York*; and for the Prisoner, Mr. Serjeant *Wynne*, and Mr. *Clayton*.

Mr. *York*, Council for the King. May it please your Lordship, and you Gentlemen of the Jury: This is an Indictment against *Francis Townley*, the Prisoner at the Bar, and sets forth, &c. (the Purport of the Indictment is before-mention'd.) To this Indictment he hath pleaded *Not guilty*, we shall produce our Witnesses to make good the Charge against the Prisoner, which if we do, we doubt not that you will find him guilty of the Indictment.

Mr. *Attorney General*. My Lords and you Gentlemen of the Jury, the Prisoner at the Bar, having been deeply engaged in the late unnatural and wicked Rebellion begun in *Scotland*, and carried into the Heart of this Kingdom, in order to overset our present happy Constitution in Church and State, hath made it necessary for this Prosecution against him: I don't doubt but in the Course of our Evidence we shall make it appear to your Satisfaction, that the
Pri-

Prisoner with two others, whose Names are *Blood* and *Fletcher*, and other their Confederates, did assemble in a warlike Manner, and procured Arms, Ammunition, and other Instruments of War; and compos'd a Regiment for the Service of the Pretender to these Realms, to wage War against his present most sacred Majesty; and did march through and invade several Parts of this Kingdom, and unlawfully did seize his Majesty's Treasure in many Places for the Service of their villainous Cause, and took away the Horses and other Goods, Merchandize, and Chattels of many of his Majesty's peaceable Subjects. And that during the said March the Prisoner, with other Rebels, in open Defiance of his Majesty's undoubted Right and Title to the Crown of these Realms, frequently caused the Pretender's Son to be proclaimed in a publick and solemn Manner as Regent of these Realms; and himself march'd at the Head of a pretended Regiment, which they call'd the *Manchester* Regiment.

My Lords, I shall not take up the Time of the Court in saying a great deal, for all that the Prisoner is charg'd with will appear so full and plain from the Evidence we shall produce for the King, that there will not be the least Doubt with the Jury to find him guilty.

Sir *John Strange* then spoke to the following Effect: My Lords, and you Gentlemen of the Jury; I am of Council in this Case, likewise for the Crown; I am very far from aggravating this Case against the Prisoner at the Bar, but I cannot help observing, that the Engagements which the Prisoner had embarked in, would have overset one of the most glorious and free Constitutions that ever was framed, and I believe I may venture to say, is the only one in the whole World.

If an Attempt to subvert the Government, to destroy the King, and set up a *Popish* Pretender, if

in marching in an hostile Manner, carrying on a bloody and destructive War in this Nation, can move Compassion, or be extenuated, any Rebellion may be palliated over and excused, since scarce any Circumstance can be added in Aggravation of that which hath lately been raised and carried on in this Kingdom.

Every Body knows the Rebellion broke out in *Scotland* with a small Number of People, and made a very great Progress, 'till at last the Rebels had the Audaciousness, with the Pretender's Son at their Head, to fight his Majesty's Forces at *Preston Pans*, and then the Rebellion burrowed into *England*, and the Prisoner at the Bar was with them in *Lancashire*, particularly at *Preston*, and several other Places, and then they proceeded to *Manchester*, where the Prisoner form'd a Regiment, and accepted a Commission to be Colonel of the said Regiment, from the eldest Son of the Pretender, and wore a white Cockade, and a Plaid Sash, as a Mark of his Authority, and the Party he sided with; and then advanced from *Manchester* to *Derby* with his Regiment, where the Rebel Army halted some few Days; but being apprehensive of the Duke of *Cumberland's* attacking them, it so alarm'd them, that they marched back with great Precipitation till they came to *Carlisle*, where he acted as Commandant of the City, and gave out Orders to the Garrison, amongst which he order'd the Houses of some of his Majesty's faithful Subjects to be set on Fire, but was afterwards oblig'd by the *Duke* to surrender to the King's Pleasure; and though Humanity may induce you to have Compassion towards the Prisoner, yet if it is proved he is guilty of the Crimes laid to him, the Justice of this Nation calls aloud for his Punishment.

For no less was to be a Sacrifice, than his Majesty and his Royal Family (a Succession of Princes, appointed by Divine Providence, to be not only the
Pre-

Preservers of our Rights and Liberties, but to be the Guardians of the Protestant Interest in *Europe*) to appease the Fury of a Set of unsatisfy'd People, who have associated in this most wicked and unnatural Rebellion, and who envied us, the faithful Subjects of his Majesty, the Blessings we enjoy'd uninterrupted of our Religious and Civil Rights and Privileges.

These People, in order to divert themselves, and amuse the Ignorant, had on their Standards or Colours, Motto's that they imagined would be grateful, *viz.*

LIBERTY and PROPERTY,
CHURCH and KING.

But your Lordship, and the Gentlemen of the Jury, as well as the unfortunate Person who stands before you at the Bar, will excuse me if I take upon me to interpret the Meaning of their famous Motto or Inscription, on their Colours, which, not to take up too much of the Time of the Court, I shall do in few Words.

The *Liberty* they designed, was nothing less than SLAVERY; Their intended *Property* was PLUNDER, which too many of the good People of this Kingdom hath found; their *Church* was POPERY, and the Meaning of their *King*, was only to make these free Kingdoms a Province to *France*. We shall now call our Witnesses, who will give such Proofs against the Prisoner, that I doubt not, Gentlemen of the Jury, you will find him guilty of the Treason he stands charged with.

Mr. *Solicitor General*. Call *Roger Mac Donald*.

Roger Mac Donald being sworn, said, that he knew Colonel *Townley* the Prisoner, that he saw him at *Derby*, and on the Retreat of the Rebel Army from thence, he march'd at the Head of the *Manchester* Regiment, as Colonel of the same.

This

This Witness also said, that he saw him with a white Cockade in his Hat, a Brace of Pistols, and was accounted as a principal Officer, between *Lancaster* and *Preston*, and he appear'd at the Head of the Regiment, with Colours flying, and Drums beating, and that he had on a Plaid Sash.

This Witness was then ask'd, What Number at that Time the Rebel Army might consist of? and he said, to the best of his Knowledge, he believed 5600 Men, but not all arm'd.

This Witness farther depos'd, that the Prisoner at the Bar was always look'd upon by both Officers and Soldiers, as Colonel of the Regiment, called the *Manchester* Regiment; and that he gave Command to all the Officers under him, who obey'd his Command as principal Officer.—That the Regiment had a Flag with these Words on one Side, viz. *Liberty and Property*; and on the other, *Church and King*. That they had some Artillery with them, and the Prisoner always appear'd at the Head of his Regiment.

Cross Examination.

Prisoner's Council. Mr. Serj. *Wynne*. Pray have you had no Promise of Pardon?

Witness. I have had no certain Promise of Pardon. I was first examined, at *Inverness*, by the Judge Advocate of *Scotland*, but he did not assure me of a Pardon.

Prisoner's Coun. Did not you expect it?

Witness. I cannot say, but I did expect to be pardon'd, for I was only a Servant. I was brought ashore very poor, and without any Thing to subsist on.

King's Coun. You say you saw the Prisoner in the Retreat from *Derby*, command his Regiment: Was not he look'd upon as Colonel?

Witness. Yes, I saw him on Horseback very often,

often, and he always rode at the Head of the Regiment on a bay Horse.

Sir *Richard Lloyd*. Call *Samuel Maddox*; who appeared and was sworn; and said, the first Time he saw the Prisoner Colonel *Townley*, was at *Manchester*, about the 6th, 7th, or 8th Day of *December* last, but the Day he could not particularly remember; and said the Prisoner was made Colonel of the *Manchester* Regiment by the Pretender's Son, and one Reason why he was certain he was Colonel of the Regiment, was, that a Guard from the said Regiment was mounted every Day, and Centinels plac'd at the Prisoner's Quarters; that he, the said *Maddox*, marched out with him in the Station of an Ensign, but never had any Commission, tho' he carried the Colours as such; that the Prisoner wore a Sword and a Brace of Pistols, with a white Cockade in his Hat, and that the Prisoner gave Command as Colonel of the Regiment, and that he ordered the said *Manchester* Regiment to be drawn up in the Church-Yard, in *Manchester*, where the Pretender's Son reviewed them, and that he marched at the Head of the Regiment as Colonel to *Derby*. Their first Day's March from *Manchester*, was to *Winslow*, where the Prisoner appeared also at the Head of the Regiment, and had a white Cockade in his Hat, a Plaid Sash, a Brace of Pistols, and a Sword; that their next Day's March was to *Macclesfield*, where he, this Witness, signified, he had an Inclination to leave the Regiment, and return Home to his Master at *Manchester*, but was intimidated from so doing, by being threatened, and told, that if he did, he would have his Brains knock'd out.

This Witness farther depos'd, that when they were at *Derby* with the Rebel Army, they beat up for Volunteers for the *Manchester* Regiment, commanded by the Hon. Col. *Francis Townley*, and the same was
done,

done by the particular Order and Direction of the Prisoner.

That when the Rebel Army retreated from *Derby*, Col. *Townley*, the Prisoner, and some of his Regiment, took out of a House between *Derby* and *Ashborn*, a Sack full of Arms, which were conceal'd under some old Writings ; that the said Arms were taken with them to *Ashborn*, and lodg'd all Night in the Prisoner's own Room, and dispos'd of afterwards among his Men ; that the Prisoner had two Centinels always at his Door all Night, for fear the Duke of *Cumberland* was nearer to them than they imagined ; that the Prisoner march'd as Colonel of the *Manchester* Regiment, in their Retreat from *Derby* to *Carlisle* ; sometimes at the Head of the Regiment ; that when they came to *Carlisle*, the Prisoner was made by the Pretender's Son, Commandant of *Carlisle* ; and had another Commission given him by the Pretender's Son to raise a Regiment of Horse ; that so soon as the main Body of the Rebel Army were gone from *Carlisle* for *Scotland*, he the Prisoner took on him the Command of the whole Rebel Forces left there, and that he gave Orders for the Guns to be mounted, and also order'd a House to be burnt ; which was accordingly done, alledging that several of the King's Forces had fired from it, and annoyed the Pretender's Army ; and that he particularly directed and caused several *Chevaux de Frize* to be made, and fix'd at the Gates and Entrances to the City, to prevent his Majesty's Horse and Dragoons from approaching it ; that the Prisoner order'd some of the Rebel Army then in *Carlisle*, to make a Sally out to bring in some Sheep, and that the Prisoner mounted the Walls, with a Pistol in his Hand, to give Notice if the King's Forces were near where the Men were to go ; that the Prisoner paid the Men of his own Company himself, as all the Captains of Companies did theirs ; and that he had heard the Prisoner

soner when in *Carlisle*, in Company with other Officers, complain that he was fourscore Pounds out of Pocket in paying his Men ; that before the Capitulation, this Witness heard the Prisoner have some Words, and was seemingly in a great Passion with Colonel *Hamilton*, who was Governor of the Castle or Citadel of *Carlisle*, for surrendering the Place, and not making a Defence to the last ; and that he heard the Prisoner declare, that *it was better to die by the Sword, than to fall into the Hands of those damn'd Hanoverians.*

This Witness being particularly asked by the King's Council, if he had at any Time seen the Prisoner in *Carlisle* act as an Officer, said, that he had particularly seen him encouraging the Rebel Soldiers to make Sallies out on the King's Forces.

Cross Examination of this Witness.

Mr. Serj. *Wynne*. Mr. *Maddox*, after the Surrender of the Town and Citadel of *Carlisle*, did not you all expect Mercy ?

Maddox. We were all put Prisoners into the Church.

Serj. *Wynne*. Did you all expect to be hang'd ?

Maddox. I can't say that, for we were in Expectation of being at Liberty again soon.

Serj. *Wynne*. Pray do not you expect a Pardon, or have you had any Promise of a Reward for what you have done in this Affair ?

Maddox. I cannot say I have ever had any Promise of a Reward.

Serj. *Wynne*. I find you are a very smart young Man, and I desire to be answer'd to this Question ; Pray have you had any Promise of a Reward or Pardon, or do you expect any Reward or Pardon, after having given your Evidence against the Prisoner at the Bar, or the other Prisoners that are in Custody ?

Maddox. My Brother came to me when I was in *New Prison*, and he did advise me to do the best I

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could

could for myself, and serve my Country. Soon after one of his Majesty's Messengers took me away ; and I have been at his House ever since, only at those Times I went to be examined ; no Body ever told me that I should be pardon'd, but my Friends advis'd me to do what I have done. If I could have a free Pardon, I should be very thankful for it.

Mr. Clayton, (*another of the Prisoner's Council*). Mr. Maddox, did not his Royal Highness the DUKE, (when you surrender'd Prisoners) promise you Mercy?

Maddox. All the Terms his Royal Highness said we were to expect, were, we should not be put to the Sword, but that we should be left to his Majesty's Pleasure, which two Scots Officers who went to the Duke, and whose Names were *Abernethy* and *Forbes*, told us ; and that the People in *Carlisle* were to deliver up all their Arms at the Gate, and the Officers were to go into the Church.

King's Council. Call *Austin Coleman*, who appear'd and was sworn, and said, he saw the Prisoner at the Bar, in *Carlisle*, who was call'd Col. *Townley*, and commanded the *Manchester* Regiment, and was made Commandant of the said City by the Pretender's Son ; and if any of the Soldiers wanted Arms, they apply'd to him, and he furnish'd them with Firelocks, Pistols and Bayonets ; and that he often had seen the Prisoner order the Guard to mount, and always acted as their chief Officer, and all the other Officers took their Orders from him as their Superior.

Cross Examination.

Mr. Serj. *Wynne*. Pray, Sir, inform me what Time you saw the Gentleman at the Bar at *Carlisle*, was it in the Month of *November* ?

Coleman. I cannot tell what Month it was, I know I saw him at *Carlisle*, when it was in Possession of the Rebels, and he had a Commission from the Pretender's Son.

Mr. Serj. *Wynne*. Did you ever hear him say he had a Commission ?

Cole-

Coleman. No, I never did.

Mr. Serj. Wynne. Then what you say signifies nothing.

King's Council. Call Capt. *Carey* of the Foot-Guards, who appear'd.

King's Council. Pray swear the Captain ; which being done, he said, That he received Orders by Lord *George Beauclerk*, from his Royal Highness Duke *William*, to take Care of the Governor of *Carlisle*, and had his Royal Highness's Orders to examine all the Rebel Prisoners Papers, amongst whom he apply'd to the Prisoner at the Bar, who said he had deliver'd his Commission before to Major *Adams*. He farther said, that the Prisoner had some Guineas in his Pockets, and his Watch, which he did not take from him ; for his Royal Highness's Orders were, not to take any Money out of the Pockets of any of the Officers, only to seize all publick Money that they had collected ; for that what Money they had in their Pockets might be of Service to them in their Confinement. That this Evidence indors'd all the Papers that he found on such of the Officers as he search'd, and said, the Capitulation was sign'd by the Duke of *Richmond*, Lieutenant General in the Army ; wherein the Rebels in *Carlisle* were to be at the King's Pleasure.

Council for the King. Sir, are you sure that in the Capitulation that was signed by the Duke of *Richmond*, it was mentioned that the Prisoners should be reserv'd for the King's Pleasure ?

Capt. Carey. I can't take upon me to be certain of that ; but I think so.

King's Council. Do you know the Duke of *Richmond*'s Hand-writing ?

Capt. Carey. No, I never saw his Grace write.

Then a Paper was shewn him, which he said was the Capitulation, and was read, as follows.

' All the Terms his Royal Highness will or can grant to the Rebel Garrison of *Carlisle*, are, That

they shall not be put to the Sword, but be reserved for the King's Pleasure.

‘ If they consent to these Conditions, the Governor and principal Officers are to deliver themselves up immediately, and the Castle, Citadel, and all the Gates of the Town, are to be taken Possession of forthwith by the King's Troops. All the small Arms are to be lodged in the Town Guard-Room, and the rest of the Garrison are to retire to the Cathedral, where a Guard is to be placed over them. No Damage is to be done to the Artillery, Arms, or Ammunition.’ *Head Quarters at Blackall, 30 Dec. Half an Hour past Two in the Afternoon.*

By his Royal Highness's Command,
Sign'd *Richmond, Lenox, and Aubigny*, Lieutenant-General of his Majesty's Forces.’

King's Council. Call Capt. *Nevet* of the 3d Regiment of Foot Guards, who appearing and being sworn, said, he went by Order of his Royal Highness the Duke to visit and examine the Rebel Officers in *Carlisle*; and that the Prisoner was one of them, and went by the Name of Colonel *Townley*, and Commandant of *Carlisle*.

King's Council. Swear Captain *Vere*, which was done.

King's Council. Sir, will you be pleas'd to tell my Lords and the Gentlemen of the Jury, what you know of the Prisoner at the Bar being in the late unnatural Rebellion?

Capt *Vere.* I saw the Prisoner on the 20th of *November* at *Carlisle*, for I was taken Prisoner a little before by the Rebel Army; he was called Colonel *Townley*, Colonel of the *Manchester* Regiment, and Commandant of the Town. On the 25th of *December* he appear'd with a white Cockade; I went up to Colonel *Hamilton's* Room, where we talked of a Capitulation, and Mr. *Hamilton* was willing to agree

agree to it: We then wrote a Letter to his Royal Highness the Duke, and the Messenger who carried it was made a Prisoner; and Mr. *Hamilton* desired me to go to Capt. *Abernethy*, and the *Scotch* Officers, and they all agreed to what was done, and the next Day they hung out the White Flag.

Sir *John Strange*. Did not *Townley* appear as the Commanding Officer?

Capt. *Vere*. Yes, I saw his Commission in the Guard Room.

Sir *John Strange*. Did you see it in his own Hands?

Capt. *Vere*. I can't say I did.

Mr. Serj. *Wynne*. Pray, Sir, what are you?

Capt. *Vere*. I am an Officer, and was sent by his Grace the Duke of *Newcastle* upon the publick Service, and was taken Prisoner before by the Rebel Army.

Mr. *Davidson*, a Grocer of *Carlisle*, was the next Witness; who being call'd and sworn, depos'd that he had seen the Prisoner at *Carlisle*; where he acted as Colonel of the *Manchester* Regiment, and Commandant of the City of *Carlisle*; he was present when he ordered a House to be set on Fire at *Carlisle*; and on this Deponent's asking him the Reason for it, he reply'd, that several of the Elector of *Hanover*'s Men had fired from it, and annoy'd his Men.

Here the King's Counsel rested it.

The Council for the Prisoner proceeded now to his Defence, and pleaded, that Mr. *Townley* was a Gentleman of a good Family, and that his Education was suitable to his Birth; but by some Misfortunes in his Family was obliged to retire to *France*, which happened in the Year 1728. Being a Man of Spirit, he was soon taken Notice of by the *French* Court, and being recommended to his most
Christian

Christian Majesty, as a Person capable of a Post in his Army, the King gave him a Commission. In Consequence of which he served at the Siege of *Philipsburgh* under the Marshal Duke of *Berwick*, who lost his Life before the Walls of that Place. He there behav'd with such Courage and Conduct, as gain'd him the Respect and Esteem of all the Officers in the Army. He executed all the Orders of his Superiors with the greatest Intrepidity ! and exposed himself on every Occasion in such a Manner, as if Life was of no Signification, when Honour and the Service of his Master stood in Competition with it. He was likewise in several other Sieges and Engagements, where his Behaviour was always such as became a Man of Honour ; and as he received the Pay of his most Christian Majesty, he thought it his Duty to serve him with all the Fidelity he was capable of. Thus he continued in that Service from the Year 1728, till a few Years since that he came into *England*, where he privately resided till about the Time of the Breaking out of the Rebellion. And the *French* King imagining he might be of Service in promoting his Views, in the Invasion which he had meditated against these Kingdoms, sent him a Colonel's Commission, to enable him to raise Forces, and to assist his Ally, the Pretender, in his Expedition to *Scotland*. Thus it appears that he has been sixteen Years in the Service of *France* ; that he has had the *French* King's Commission during all that Time ; and consequently was as much in the Service of *France* as any Officer in the *French* Army ; and therefore they were humbly of Opinion, that Col. *Townley* had as just a Right to the *Cartel* as any *French* Officer that has been taken by the *English*, during the Progress of the War between the two Kingdoms.

We must acknowledge that the King's Council have open'd the Nature of the Indictment with all the Candour that could be expected, and have not
exag-

exaggerated the Charge against the Prisoner beyond the Bounds of Humanity and good Nature ; and we humbly hope they will be of Opinion with us, that tho' the Prisoner at the Bar should unhappily be found acting in this unnatural Rebellion, yet as he acted under a Commission from the *French King*, he has a Right to the *Cartel* for settling the Exchange of Prisoners that may be taken on either Side, in the War now carried on between the two Kingdoms.

The Evidence we have to produce in Behalf of the Prisoner, are only three. The first is Capt. *Carpentiér*, who will prove, we hope, to your Lordship's Satisfaction, that Col. *Townley* was many Years in the *French Service*, under a Commission from the *French King* ; and since his being taken at *Carlisle* has been constantly supply'd from *France* ; the other two, who are *John Hayward* and *Thomas Dickinson*, we shall bring to invalidate the Evidence of Mr. *Maddox*, by shewing the Badness of his Character, and that he is such a Man whose Testimony is not to be credited.

And the Prisoner's Council farther observed, that the Indictment was insufficient, for that they had not mentioned the Day in the Indictment when the Treason was done, and that by the glorious Statute of the 7th of King *William III.* which was justly esteemed the Bulwark of *English Liberty*, directed, that nothing shall be given in Evidence but what is inserted in the Indictment, and that the Time not being mentioned in the Indictment when the Treason was acted, is sufficient to quash it, because it might be so long past as to entitle the Prisoner to the Benefit of the Limitation enacted in the said King's Reign ; and that Act says, that no Person shall be convicted, or suffer for High or Petit Treason, unless a Prosecution is begun against the Person who committed such Treason, in three Years after the

the Commission of such Treason.

Council. Pray call *M. Carpentier*, who appeared and was sworn.

King's Council. Pray what would you ask this Gentleman to ?

Prisoner's Council. To prove that the Prisoner had a Commission from the *French King*, and that he was at the Siege of *Philipsburg*.

Court. That will be against you, for no Man that is a liege Subject of his Majesty can justify taking up Arms, and acting in the Service of a Prince that is actually in War against his Majesty.

On which *Carpentier* was set aside, without being examined.

Mr. Serj. Wynne. Pray call *John Hayward* ? who appeared and was sworn.

Mr. Serj. Wynne. Pray, Sir, do you know *Samuel Maddox*, and how long have you known him ?

John Hayward. Yes, Sir, about two Years.

Mr. Serj. Wynne. Pray what Character doth he bear ?

John Hayward. He bears such a very bad Character that I would not believe him upon his Oath.

Cross Examined.

Sir John Strange. I hope you believe that every Person that join'd with the Rebels, are bad Men.

Hayward. Yes, Sir.

Sir R. Lloyd. What Business are you of ?

Hayward. I am a Glover and Leather-seller at *Manchester*. After being examined, he went out of Court, but was recalled.

Sollicitor Gen. *Mr. Hayward*, Pray did you see the Prisoner at the Bar in *Manchester* ?

Hayward. No, I never saw the Prisoner before.

Coun. Clayton. Pray call *Thomas Dickinson* ; who appear'd, and was sworn.

Sir, do you know *Samuel Maddox* ?

T. Dickinson.

Dickinson. Yes, Sir; he was bound Apprentice to an Apothecary at *Manchester*.

Coun. Clayton. Pray what Character does he bear?

Dickinson. A very bad one.

Coun. Clayton. Would you believe him upon his Oath?

Dickinson. No, I would not, especially upon Life and Death.

Sir John Strange. For what Reason do you take upon you to swear he is not to be believed upon his Oath?

Dickinson. I don't know particularly; but I have heard he was a very bad Apprentice, and that he had wrong'd his Master.

Sir J. Strange. Do you know his Master?

Dickinson. Yes; his Master is in *London* now.

Sir J. Strange. So, for no other Reason, than because you have heard he was not a good 'Prentice, you take upon you to swear he is not to be believed on his Oath. I suppose you have other bad 'Prentices in *Manchester*?

Dickinson. Yes, there are.

Mr. At. Gen. *Dickinson*, Did you ever see the Prisoner at *Manchester* at the Time the Rebel Army was there?

Dickinson. Yes.

Mr. At. Gen. What was he doing there?

Dickinson. He was Colonel of the *Manchester* Regiment.

Mr. At. Gen. What in the Pretender's Service?

Dickinson. Yes, in the Rebel Army.

The Evidence for the Prisoner being all gone through,
Mr. Solicitor General reply'd to what had been objected by the Prisoner's Council to the Indictment.

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Mr.

Mr. *Sollicitor General* stood up, and made a Reply to the Prisoner's Council, wherein he observ'd, the first Overt Act of High Treason charged against the Prisoner, is compassing and imagining the Death of the King; the next is, adhering to the King's Enemies, and levying of War against his Majesty's Person and Government, and this is founded on the Statute of the 25th of *Edward the Third*. And levying of War by one or more Persons, is Treason: That this War has been levy'd, and that Acts of Hostilities have been committed by the Prisoner, I don't doubt but that it has been sufficiently proved to you, Gentlemen of the Jury; there is no Occasion to prove explicitly all that is laid in the Indictment; but that War has been levyed against his Majesty, has been sufficiently proved and admitted by the learned Council for the Prisoner; it has been proved, likewise, that the Prisoner, with a tumultuous Number of Rebels and Traitors, did assemble in several Parts of his Majesty's Dominions, and levied a cruel and destructive War; the Council on the other Side would insinuate, that the Crime was committed before the Day laid in the Indictment, therefore the Day of the Commission in the Indictment should be inserted. But admitting it was so, this Indictment is good; for in the Case of Sir *Harry Gray*, it was the Opinion of all the Judges, that Sir *Harry* was guilty, notwithstanding that the Fact was committed twelve Years before the Indictment, and it is recent in the Memory of many Gentlemen of the Law, that this was the Case of *Chandler*, *Layer*, and *Bradshaw*; and so it was allowed in constructive Treason, in the Case of *Dammery* and others, in the Reign of the late Queen *Anne*, for pulling down of Houses, and many Cases of the like Nature in Sir *Matthew Hale*'s Pleas of the Crown; for which several Reasons, and what has been mentioned before, I humbly conceive your Lordships will over-rule this Exception,

Exception, as having no Weight. (Upon which the said Motion was over-rul'd by the Court) Then my Lord Chief Justice *Lee* summ'd up the Evidence very impartially, and gave a most eloquent and learned Charge to the Jury.

After which the Jury consulted together in Court, but not agreeing in their Verdict, withdrew about ten Minutes, and when they returned into Court, were called over by the Clerk of the Arraings, and answered to their Names.

Clerk of the Arraings. Gentlemen of the Jury, are you agreed on your Verdict?

Jury. Yes.

Clerk of the Arraings. Who shall say for you?

Jury. Our Foreman.

Clerk of the Arraings. *Francis Townley* hold up your Hand, (*which he did*)

How say you? Is *Francis Townley* guilty of the High Treason whereof he stands indicted, or not guilty?

Foreman. GUILTY.

Clerk of the Arraings. What Goods and Chattels Lands and Tenements, had he at the Time of the said High Treason committed, and at any Time since, to your Knowledge?

Jury. None.

Clerk of the Arraings. Hearken to your Verdict as the Court has recorded it, you say that *Francis Townley* is guilty of the High Treason whereof he stands indicted, and you say he had no Goods, nor Chattels, Land or Tenements, at the Time of the said High Treason committed, or at any Time since to your Knowledge, and so you say all.

Jury. Yes.

Then Mr. *Jones*, Keeper of the County Goal of *Surrey*, was order'd to take Care of the Prisoner.

This Prisoner was executed according to his Sen-

tence on *Kennington-Common*, on *Wednesday* the 30th of *July* 1746.

After he had hung six Minutes, he was cut down, and having Life in him, as he lay upon the Block to be quarter'd, the Executioner gave him several Blows on his Breast, which not having the Effect design'd, he immediately cut his Throat; after which he took his Head off; then ripp'd him open, and took out his Bowels and Heart, and threw them into a Fire, which consumed them; then he slash'd his four Quarters; and put them with the Head into a Coffin, and they were carried to the *New Goal* in *Southwark*, where they were deposited till *Sat. Aug. 2.* when his Head was put on *Temple-Bar*, and his Body and Limbs suffered to be buried. — *A just Reward for Rebels and Traitors!*

This unfortunate Person was about 38 Years of Age, born near *Wiggan* in *Lancashire*; of a Family remarkable for being ready for Rebellion at all Times; for his Uncle *Mr. Townley*, of *Townley-Hall*, in *Lancashire*, was try'd in *Southwark*, before Judge *Powis*, for being in the Rebellion in 1715; and tho' acquitted by his Jury, yet not thought innocent by the Publick; for many of his Men who were try'd at other Places, were convicted and executed.

In 1727, he went over to *France*, and enter'd himself a Volunteer in the *French King's* Service; and in 1728 obtained a Commission from the King of *France*, and continued abroad about 15 Years. He was at the Siege of *Philipsburg*, when the Duke of *Berwick's* Head was shot off, and was near the Duke at that Time. He was also in the *French Army*, when the *Germans* made such a sudden Attack upon that Quarter of the Army where Marshal *Broglie* commanded, as obliged the Marshal in a terrible Fright to run away without his Breeches. He was likewise in several other Actions and Sieges, and, as
was

was said by his Friends, he always behaved well and with Honour.

The Reason of his leaving the *French Service*, about five Years since, and coming to *England*, was only to live some Time in his own Country; but the whole Time he was in *England* he spent amongst the *Roman Catholick Families*, who were Well-wishers to their diabolical Cause, and when the Rebel Army came into *England*, he went and met them between *Lancaster* and *Preston*; and came with them to *Manchester*, where the Pretender's Son gave him a Commission to raise a Regiment of Foot, which was immediately done; and the young Pretender on leaving him at *Carlisle*, gave him another Commission to raise a Regiment of Horse.

His Behaviour from the first of his being taken Prisoner at *Carlisle*, to the Time of his Trial, was of a Piece, he frequently saying that he could not be hurt, for that he had a Commission from the King of *France*, and so must be exchange'd upon the Cartel; but when he was convicted, he seemed a little more serious, and often said, he expected no Mercy.

He was much more reserv'd than many of his Fellow-Sufferers; and whatever he thought, would not talk a great deal to any body, but his particular Friends and Brother Prisoners.

The Morning of his Execution, and even at the fatal Place, he behav'd very bold, and shew'd no manner of Signs of Dread, but said he hop'd he should be happy in the next World.

The Trial and Dying-Speech of George Fletcher.

Wednesday, July 16, 1746.

THIS Day the Court, according to Adjournment, met at Ten in the Morning, where there

there were present, the Lord Chief Justice *Lee*, Mr. Justice *Wright*, and Mr. Baron *Reynolds*.

And also the other Officers that attended the Court the preceding Day, took their Seats, and Proclamation being made by the Cryer, he proceeded to call the Jury, and ordered the Keeper of the County Goal to set *George Fletcher* to the Bar, which being done accordingly, the following Gentlemen (after the Prisoner had made ten Challenges) were sworn in for the Jury.

The Names of the Jury.

<i>Daniel Ponton,</i>	<i>Christopher Stoakes,</i>
<i>Michael Guffe,</i>	<i>William Taylor,</i>
<i>Michael Constable,</i>	<i>Thomas Lintall,</i>
<i>William Brooker,</i>	<i>Francis Simmonds,</i>
<i>Edmund Brown,</i>	<i>James Paine, and</i>
<i>Thomas Belch,</i>	<i>Richard Sparkes.</i>

And they being all Sworn, took their Seats in the Jury box; and Proclamation was again made for Silence, whilst the Indictment was reading to the Prisoner.

Note, The Indictment was the same as that of *Townley's* (convicted the Day before) the Treason being laid to be committed the same Time, at the same Place, and in the same Manner.

After the King's Council had opened the Charge, the following Evidence was called against the Prisoner.

Ormsby M'Cormack being sworn.

King's Council. Mr. *M'Cormack*, pray look upon the Prisoner, and then tell the Court, and the Gentlemen of the Jury, what you know of him; and speak out loud, that you may be heard.

M'Cormack. The first Time that I saw him, was before the Rebels march'd from *Manchester* to *Derby*.

King's Council. What Appearance did the Prisoner make at *Manchester*? Did you look upon him to be an Officer?

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M'Cormack. He had a white Cockade in his Hat, and marched as Captain in the *Manchester* Regiment. I saw the Flag that belong'd to the Regiment flying, and the Motto was, *Liberty and Property, Church and King.*

King's Council. Did he march with all the Rebel Army? Were there any Pipes playing?

M'Cormack. There were Pipes playing before the *Highland* Rebels, but none in the *Manchester* Regiment.—I saw him also at *Derby.*

Prisoner's Council. Pray, Friend, how came you to know him so particularly?

M'Cormack. They call'd him Capt. *Dawson.*

[*Here the Council for the Prisoner interrupted the Witness, because there is one Dawson now in Custody, who was an Officer in the said Regiment, and the Prisoner's Name is Fletcher.*]

King's Council. Look at the Prisoner again.

(*Looking earnestly at him.*)

M'Cormack. Though I may mistake his Name, I am sure he is the Person that I saw at *Derby*, tho' I cannot positively say he gave any Command there as an Officer. I saw him at *Preston*, and other Places along the Road, till we came to *Carlisle.*

King's Council. Was you with him at *Carlisle*?

M'Cormack. I was at *Carlisle*, but he was there before I came, and there I saw him act as a Captain; and when the Soldiers were drawn up in the *Castle-Yard*, I saw him there, and saw Arms distributed to some of the Soldiers who had none.

Prisoner's Council. Did you see him distribute any Arms to any of the Soldiers?

M'Cormack. I cannot say that I did.

Prisoner's Council. Then who distributed those Arms?

M'Cormack. It was a *Scotch* Officer, whom I am informed is since killed.—I heard so.

King's Council. Was not the Prisoner at the Bar
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at *Carlisle* when the Duke was before the Town ?

McCormack. Yes, I am sure he was, and commanded as an Officer ; he had a white Cockade in his Hat, an *Highland* Plaid Sash, lin'd with white Silk, and all Military Accoutrements that Officers have.

King's Council. Then you are certain as to his Person.

McCormack. I am certain this is the Gentleman, for he mounted the very first Captain's Guard that was mounted at *Carlisle*. I saw him at the Surrender, and he was carried into the Church, and made Prisoner with the rest of the Officers.

Serj. Wynne. Are you sure he is the very Man ?

McCormack. I am very sure of it, tho' he has been long out of my Sight.

Lord Chief Justice. Consider, you are upon your Oath, and what you say affects his Life.

McCormack. I am sure he's the very same, I know his Person perfectly well.

Serj. Wynne. How can you be so positive to him, did you ever see him before you came to *Manchester* ?

McCormack. Not to my Knowledge.

Serj. Wynne. Where did you come from, what Countryman are you ?

McCormack. I am an *Irishman*, I came from *Ireland*.

Serj. Wynne. What brought you to *Manchester* ?

McCormack. I am a Weaver by Trade, and I came to *Manchester* last May was Twelvemonth to seek for Business, and I continued there, and worked till the 30th of June ; then Business falling short, I went into *Warwickshire*, and work'd as a Hay-maker for my Living.

Cross Examination.

Prisoner's Council. It is a little extraordinary, that you should take such particular Notice of the Prisoner ;

soner; was you in the Rebel Army; was he your Commander?

M^cCormack. No he was not; Capt. * *Peter Moss* was my Commander.

Serj. *Wynne.* Had you any Command in the Rebel Army, was you either a Captain, or a Lieutenant?

M^cCormack. I had no Command at all.

Council. How came you hither to give your Evidence?

M^cCormack. I was taken into Custody by Mr. *Carrington*, one of the King's Messengers, at *West-Chester*, and I did not know I was to come to *London* to be an Evidence.

Council. Have you had any Promise of a Pardon?

M^cCormack. I have not, nor never had to my Knowledge.

Sir *John Strange.* Pray call *Samuel Maddox*, who appeared and was sworn.

King's Council. Mr. *Maddox*, do you know Mr. *Fletcher*, the Prisoner at the Bar?

Maddox. I know him very well, and in the Month of last *November*, but I can't particularly remember the Day, I saw him at the *Dog-Inn* in *Manchester*, where there were several Persons assembled, and his Name was put down as an Officer in a new-raised Regiment; call'd the *Manchester Regiment*; he marched as a Captain from *Manchester* to *Winslow*, and from thence on to *Macclesfield*, where the said Regiment was drawn up in the Church-yard; and all the Soldiers who were unarmed had Arms delivered unto them; the Prisoner, Mr. *Fletcher*, had there a Sword by his Side, and appeared in his Regimentals, as Captain, with a white Cockade, and a Plaid Sash.

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The

* *Peter Moss* escaped out of *Newgate* the Night before the Rebel Prisoners were remov'd by Habeas Corpus, and hath not been heard of since.

The Rebels at *Macclesfield* were in general in Confusion for want of Men, and very much dreaded the King's Forces. I was determin'd to return to *Manchester*, and communicated my Thoughts and Intentions to several of my Comrades; the Prisoner, Mr. *Fletcher*, heard of my Resolution at a Place call'd *Blackersley*, and then he came to me, and told me it would be a scandalous Thing to make a dishonourable Retreat; and putting his Hand in his Pocket pulled out a great Parcel of Gold, and told me I should never want while that lasted. I marched with him to *Derby*, and back to *Carlisle* afterwards.

Cross Examination.

Pris. Council. How came you to be at the *Black Dog* at *Manchester*?

Maddox. I went there accidentally; I was with the Regiment three Days before it marched, and I was never sober all the Time.

Pr. Coun. What, not sober all the Time?

Maddox. I mean not all the Time I was at *Manchester*.

Pr. Coun. Where did you see the Prisoner besides at *Manchester*?

Maddox. I saw him at *Penrith*, and I saw him at *Carlisle*, with other Officers, and with the Pretender's Son; at both which Places he acted in the Capacity of a Captain: And when *Carlisle* was surrendred he went into the Church with other Officers.

Pr. Coun. Have you had no Promise of a Pardon?

Maddox. I have had none; I told you so, Sir, several Times before.

Pr. Coun. What did none of your Friends advise you, or persuade you to do what you have done?

Maddox. I cannot say, but one of my Relations persuaded me to do what I could to save my own Life.

Pr. Coun. Could not Mr. *Fletcher* have escaped to save his Life, if he would?

Mad-

Maddox. I cannot tell but what he might; for Capt. *Bradshaw* got away, but he soon joined the Army again.

Pr. Coun. Pray what Character does the Prisoner bear at *Manchester*?

Maddox. I do not know much of his general Character; I have seen him at the Assembly with the Ladies: He was a Chapman, and dealt in Linnen before this Affair.

King's Council. Pray call *Thomas Bradbury*, who appeared and was sworn.

King's Council. Mr. *Bradbury*, pray what do you know, or what have you to say against the Prisoner at the Bar?

Brad. I lived at *Manchester* when the Rebels were in that Town; and one Morning when a Serjeant and Drum were beating up for Volunteers at the *Exchange*, for the Pretender's *Manchester* Regiment, I happened to be there, where I believe there were more than 1000 People assembled: And when the Serjeant had done his Speech, and concluded with saying God bless King *J——s* and Prince *C——les*; the Prisoner pull'd off his Hat and hollow'd.

Cross Examination.

Pr. Coun. As you live at *Manchester*, pray what Character does the Prisoner bear at that Town?

Brad. A good Character for ought I know, for I only came here to speak the Truth.

K. Coun. Pray call *Austin Coleman*, who being sworn, was ask'd if he had seen the Prisoner.

Coleman. Yes, I have seen him act as a Captain at *Preston*, *Penrith*, and at *Carlisle*; when it was surrendered to the Duke of *Cumberland*.

Pr. Coun. What Countryman are you?

Coleman. I am an *Irishman*, and I came to *Manchester* about 12 Months ago.

Thomas Cragg was then called by the King's Council,

cil, and being sworn, was asked what he knew of the Prisoner?

Cragg. I saw him march from *Manchester*; I saw the Colours of the *Manchester* Regiment flying, and the Drums beating; and I saw him act on the March as Captain, and I saw him surrender at *Carlisle* to his Royal Highness the Duke of *Cumberland's* Troops.

K. Coun. Pray call Capt. *Nevet*, who appear'd and was sworn.

K. Coun. Pray, Sir, give the Court and the Jury an Account of what you know of the Prisoner at the Bar.

Capt. Nevet. I was at *Carlisle* when the Rebels surrender'd the Town to his Royal Highness the Duke of *Cumberland*. When the Officers of the Garrison surrender'd themselves Prisoners, and were in Custody, I had a particular Order from his Royal Highness, to go to the Place of their Confinement, to take the Names, Ranks, and Qualities of all those that were there. When I called on the Prisoner at the Bar, he told me he was a Captain; and when I had taken the Names of all the rest, and what Commissions they had under the Pretender's Son, I went and made a Report that Evening to the Duke, and his Royal Highness commanded me the next Day, to go to the same Place; and I called over their Names, and he answered by the Name of Captain *Fletcher*.

The Prisoner's Defence.

Prisoner's Council. Call *Anne Acton*, who was sworn. Do you know the Prisoner?

Acton. Yes Sir, I have known him ever since he was born, for I have lived in the Family 27 Years, he managed the Trade for his Mother at *Salford*, just over the Bridge at *Manchester*, and he had a very good Share of Business for a Young Man. The
Rebels

Rebels came the 29th of *November* to *Manchester*, and we had a great many of them quarter'd upon us; Mr. *Fletcher's* Mother was very uneasy at the Sight of them, and went away, because she could not bear to see them eat and drink, and make free with every Thing in the House. They tarried at *Manchester* three Days, and upon the 8th of *December*, they returned again to *Manchester*, and Capt. *Robinson*, who commanded the Soldiers who were at our House before, came a second Time, and asked for our Master, he went out, and there were half a Dozen of Soldiers at the Door, and swore they would have him, and I never saw him after. I don't know he ever did a bad Thing in his Life, he always behaved well and dutiful to *King George*, and all the Royal Family. I never saw the least Willingness in him to join with the Pretender; all the Family were of the Church of *England*, and when they drag'd him away, he went away with Tears in his Eyes.

She was Cross-Examined by Sir *John Strange*; and prevaricated so much in her Answers in most Questions that were ask'd of her, that no Credit was given to her Evidence.

Charles Worral was produced and sworn, who said, he knew the Prisoner an Apprentice, and had sold him Goods, and that the Prisoner paid him honestly; but as to his Principles, he knew nothing of them.

Then *John Howard* * was call'd and sworn, and being ask'd what Business he follow'd, he said, he was a Dealer in Leather.

Prisoner's Council. What do you know of the Prisoner?

Witness. I cannot say that I know much of his Notions one way or other?

* *This is the same Person that was Evidence the Day before for Colonel Townley.*

Prisoner's

Prisoner's Council. I think, Sir, you live at *Manchester*.

Witness. Yes, I do, Sir.

Prisoner's Council. Then pray inform the Court and the Gentlemen of the Jury, so far as you know, what pass'd at *Manchester* relating to the Prisoner, during the Time the Rebels were there.

Witness. I cannot say any Thing particularly.

Prisoner's Council. Pray do you know that at the Time the Pretender's Party were beating up for Volunteers, at the Exchange in *Manchester*, that the Prisoner was present, and took off his Hat and hollow'd?

Witness. I was not out of Doors at that Time; I had a Relation lay dead in my House at the same Time.

The Prisoner's Council not having any thing more to say in his Defence, and the Testimony of Mrs. *Ann Acton* having very little Weight with the Court and Jury, after my Lord Chief Justice had summed up the Evidence, the Jury without going out of Court, found the Prisoner, GUILTY.

N. B. The Prisoner desired his Fetters might be taken off whilst he was on his Tryal, which the Court granted; but after his Conviction, the Court gave the Goaler Direction to Iron him again, and take an especial Care of his Prisoner, for that he was convicted of High-Treason.

This Prisoner was executed the same Day, viz. the 30th of *July* 1746, in the same Manner as *Townley*, and his Head with *Townley's* was put up on *Temple-Bar*, on *Saturday* the 2d of *August*, the *Saturday* following their Execution.

He was about 28 Years of Age, and was bred up in *Salford*, adjoining to *Manchester*, where his Parents liv'd who were very substantial People. His Father had been some time Dead, but his Mother is still living,

living, whose Business he managed. He was reckoned before he took on in the Rebel Army, to be a young Man of a good Character; but being unhappily prejudiced against the present Royal Family, he was very ready to join the Pretender's Forces as soon as they came to *Manchester*; and he gave *Murray* the Pretender's Secretary, 50 *l.* for his Captain's Commission.

There is one Thing pretty singular in the Story of Mr. *Fletcher*, which must not be omitted, because it shew'd the Heartiness of the Man in the Cause he endeavour'd to support. At his Tryal, Mr. *Maddox*, who was a principal Evidence against him, swore, that when the Rebels were at *Macclesfield*, they were in great Confusion for want of Men, and mightily dishearten'd at the Approach of the King's Forces: Upon which he (*Maddox*) determin'd to leave them, and return to *Manchester*, and communicated such his Intention to several of his Comrades; which being told to *Fletcher*, he came to *Maddox*, and expostulated with him about it; telling him, what a Scandal it would reflect upon him to leave his Friends at a Juncture, when they had the greatest Occasion for his Assistance; that if he wanted Money, he need but speak, and he should have whatever he had Occasion for; and at the same Time, putting his Hand in his Pocket, shew'd him a Handful of Gold.

Fletcher's Behaviour during the Time of his Confinement in *Newgate*, was as the rest of his Fellow Rebel Prisoners, very chearful; and he continued so during the Time he was under Sentence of Death, even from the Goal to the Place of Execution, and was the same to the last. He was a young Man of very good Parts, and very often acknowledged, that he had brought this Misfortune upon himself by his Obstinacy; for that his Mother had begg'd and intreated of him, even on her Knees, that he would
keep

keep himself out of the Rebellion ; and when no Persuasions could prevail upon him, she offer'd him a thousand Pounds to do with as he pleas'd, if he would hearken to her Advice : But all to no Purpose ; and therefore that he had no-body to thank but himself for the Consequences that had happen'd.

At the Place of Execution he delivered Papers to the Populace as Col. *Townley*, and the rest of them did, the Contents of which Papers were, that they died in a good Cause ; that they did no way relent at what they had done, and doubted not but their Deaths would in Time be revenged ; and many treasonable and other vile Expressions not fit to be here mentioned.

The Trials of Thomas Chadwick and William Battragh, with Chadwick's Dying Speech.

THOMAS CHADWICK and William Battree, otherwise *Battro*, otherwise *Battragh*, otherwise *Bretah*, were both brought to the Bar, and both agreed in their Challenges of the Jury ; but before Mr. *Chadwick* was try'd he desired his Irons might be taken off, which was done directly ; and after having challenged 13 Jurymen, the 12 following Gentlemen were sworn to try them.

*Francis Bartholomew,
Thomas Dawson,
William Shurlock,
Richard Toy,
John Fielder,
James Viner,*

*John Otway,
Thomas Puplett,
John Start,
George Hart,
William Bridgstock,
John Rowles.*

Mr.

Mr. Att. Gen. Call *Samuel Maddox* ; who appearing in Court, was sworn.

K. Coun. *Mr. Maddox*, Pray relate to my Lord and the Gentlemen of the Jury, what you know concerning the Prisoners at the Bar, or either of them.

Maddox (*looking on the Prisoners at the Bar*) I know both of them ; *Mr. Chadwick* was a Lieutenant, and *Mr. Batteagh* served as an Ensign in the *Manchester* Regiment in the Rebel Army.

K. Coun. Pray how did *Mr. Chadwick* appear ; did he appear as an Officer ?

Maddox. *Chadwick* wore a lac'd Hat, with a white Cockade in it, and I saw both of them march from *Manchester* ; and when they marched, *Mr. Batteagh* had on a *Scotch* Plaid Sash, lined with a white Ribband ; I was with them when they marched from *Manchester* to *Winslow* ; there were a great many Men lifted as we went on the Road.

K. Coun. Can you take upon you to say that either of the Prisoners at the Bar inlifted any ?

Maddox. I cannot be positive to that ; but there were a great many Men inlifted by Capt. *Deacon* upon our March from *Manchester*. Both the Prisoners appeared on Horseback as Officers ; and I myself carried the Colours out of *Manchester*. And as we were upon the Road on our March, I saw the Prisoner *Batteagh* carry the Colours once or twice, whereon was the Motto, LIBERTY AND PROPERTY, CHURCH AND KING.

K. Coun. Did any Thing remarkable happen at *Winslow*, relating to the Prisoners ? Did they act as Officers ?

Maddox. I know nothing at all particular there.

K. Coun. What Rout did you take when you left *Winslow* ?

Maddox. We marched on for *Derby*.

K. Coun. Did the Prisoners all along appear as

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Officers,

Officers, and act as such?

Maddox. Yes they did, *Chadwick* as a Lieutenant, and *Batteagh* as an Ensign: I saw them at *Penrith*, and at *Preston*; *Batteagh* belonged to Capt. *James Dawson's* Company, but I don't know what Company the other Prisoner belonged to, and I saw both of them review'd by the young Pretender.

K. Coun. And what further happen'd; tell my Lord and the Gentlemen of the Jury every Thing you know relating to this Matter.

Maddox. I can't say any Thing more that is very material, only that from *Manchester* all the Way they acted as Officers.

K. Coun. Do you remember any Thing that was remarkable when you came to *Lancaster*?

Maddox. I remember that all the Officers were very merry there, and Mr. *Chadwick* propos'd to entertain them with a Tune, and myself, and most of the Rebel Officers went into *Lancaster Church*, and went up into the Organ Gallery, and Mr. *Chadwick* play'd a Tune on the Organ.

K. Coun. What Tune did he play?

Maddox. He play'd *The King shall enjoy his own again*; and we were all very merry.

K. Coun. Pray inform the Court, if you saw any of the Prisoners at *Carlisle*.

Maddox. Yes, I saw both the Prisoners at *Carlisle*, in the Room with the young Pretender.

K. Coun. How came they in particular to be in the Room with the young Pretender?

Maddox. We were all drawn up together to take Leave of him, before he left *Carlisle*.

K. Coun. Was the Town of *Carlisle* put in a Posture of Defence against the King's Forces?

Maddox. Yes, we opposed his Majesty's Forces, and I saw both the Prisoners mount Guard in the Town Hall, where a Guard was placed a Day or two after the Pretender left the Town.

K. Coun.

K. Coun. Was you present when the Town was surrender'd to his Royal Highness the Duke of Cumberland?

Maddox. I was; and both the Prisoners were put into the Isles of the Church, amongst the other Rebel Officers.

Cross Examination.

Pris. Coun. How long have you known *Brettah*, or *Batteagh* as they call him?

Maddox. I have known him two Years and upwards, he was an Attorney's Clerk, and came and persuaded me to join with the young Pretender's Army, before I had an Inclination so to do: This we talk'd of privately in his Bed-Chamber; he told me he had new Linnen made on Purpose, and was going to the Sadlers to bespeak Bags to carry his Linnen and other Things in.

Pris. Coun. Had not you and the Prisoner a Quarrel at *Carlisle*? I think you had a Trial of Skill there.

Maddox. That I confess, and I will tell you what it was about; it was about a very foolish Affair. — Provisions being a little scarce at *Carlisle*, I had some Sausages, and the Prisoner would have them from me, and I not caring to part from them, caused a Quarrel, and we fought together.

Pris. Coun. Did not you tell him you would do for him, or be reveng'd on him, or some Words to that Purpose?

Maddox. No, never as I remember; I would not swear any Man's Life away for a Sausage.

Pris. Coun. Don't you swear in Expectation of saving your Life?

Mr. Attorney General. It is not a proper Question, — that has been answer'd already.

Sir J. Strange. Do you expect to save your Life by false Swearing?

Maddox. No, I do not indeed; I will swear nothing

thing but the Truth ; and what I have sworn in this honourable Court, is all Matters of Fact.

King's Council. Pray call *Thomas Craig* ; who appeared, and was sworn.

K. Coun. Well, Sir, what have you to say to either of the Prisoners that stand by you ?

Craig. I know Mr. *Chadwick* very well ; but I cannot say that I have so much Knowledge of *Batteragh*. I remember seeing Mr. *Chadwick* at *Manchester*, with a Cockade in his Hat : Then I afterwards saw him march from *Manchester* to *Winslow*, as a Lieutenant : I saw him at several other Places on the Road, and also at *Penrith*, where he still appeared as a Lieutenant.

K. Coun. Then you are sure he was a Lieutenant in the Rebel Army.

Craig. Yes ; he marched from *Manchester* to *Penrith Moor* as such, then I saw him at *Carlisle*, and there he mounted Guard as a Lieutenant. I am sure that I saw him once mount Guard.

Cross Examination.

Pris. Coun. Don't you expect to have a free Pardon ?

Craig. As to that I must trust to his Majesty's Mercy.

Pris. Coun. How came you to know Mr. *Chadwick* so well, do you know him so very well that you can be positive to him ?

Craig. I have known him many Years, and I belonged to the *Manchester* Regiment.

King's Council. Call *Austin Coleman* ; who was produced, and sworn.

K. Coun. Give an Account, Mr. *Coleman*, to my Lords and the Jury, what you know of the Prisoners at the Bar.

(*Coleman being sworn, and looking on them, and then pointing to Batteagh.*)

That Gentleman's Name is *Batteagh*, and I have seen

seen him at *Derby*; and t'other is *Chadwick*, and him I have seen at *Manchester*; there he appeared as an Officer with a Plaid Sash, and a laced Hat, with a white Cockade in it: I did not see *Batteagh* have any. They both appeared as Officers in marching along; they were sometimes on Foot, and sometimes on Horseback.

King's Coun. Do you know any thing of their being at *Carlisle*?

Coleman. I saw them both in the Guard-Room with Capt. *Fletcher*.

King's Coun. Did they wear their Sashes there, as other Officers did?

Coleman. I cannot remember that, but when the Town was surrender'd to the Duke of *Cumberland*, they were put into the Church with other Rebel Officers.—I am sure of that.

(Ormsby M'Cormack was next produced and sworn.)

K. Coun. Do you know either of the Prisoners?

M'Cormack. Yes, I have seen both of them in the *Manchester* Regiment; I saw *Bretagh* with the Rebel Army, and he carried the Colours from *Pennrith* to *Carlisle*.

K. Coun. And did you see him at *Carlisle*?

M'Cormack. Yes, I saw him there when the Town was besieged by the Duke of *Cumberland*.

K. Coun. Did he ever mount Guard at *Carlisle*?

M'Cormack. Not to my Knowledge; but I have seen him in the Guard-Room, with a Sword, a Sash, and a Cockade.

K. Coun. And you always took him to be an Officer there, did you not?

M'Cormack. Yes, for I very well remember, that he was walking up and down the Castle Yard, as an Officer, when the Arms were distributing to the Rebel Soldiers there, and Mr. *Chadwick* was with them.

John

John Collins, a Boy of 13 Years of Age, was called and sworn.

Pris. Coun. Do you know the Nature of an Oath, Child ?

Collins. Yes I do, I know I am sworn to speak the Truth, and I shall never be happy if I do not.

K. Council. Do you know either of the Prisoners ; was you among the Rebels at *Carlisle* ?

Collins. Yes, I was, and was a Servant to Capt. *Lowther*, and we were taken Prisoners by the Duke at *Carlisle*, where on my Knees I begg'd my Life of his Royal Highness, which he generously granted, and God bless him for it. I saw both the Prisoners at *Carlisle*, and there they always acted as Officers in the *Manchester* Regiment ; *Chadwick* as a Lieutenant, and *Batteagh* as an Ensign : I know them both perfectly well.

K. Coun. Pray call Capt. *Nevet*, who was sworn.

K. Coun. I think when *Carlisle* surrender'd to his Royal Highness the Duke, you had a Command from his Royal Highness to go to the Church where the Officers were Prisoners, and to take their Names.

Capt. Nevet. Yes, I had Sir.

K. Coun. Do you remember to have seen either of the Prisoners at the Bar at *Carlisle* ?

Capt. Nevet. Perfectly well : The first Time that I saw them, Mr. *Chadwick* gave in his Name as a Lieutenant in *Townley's Manchester* Regiment ; and the other Prisoner, *Battragh*, told me he was an Ensign in the same Regiment ; I noted it so in my Paper : And on making a Report to his Royal Highness the Duke, and giving in a List of their Names, and Qualities, I was ordered to go the next Morning, and I went accordingly, and called all the Prisoners over by their Names, and they answer'd, *Chadwick* as a Lieutenant, and *Batteagh* as Ensign.

The King's Witnesses being all gone thro', and neither of the Prisoners making any Defence, or called

called any Witnesses to their Characters, the Jury, without going out of Court, found both the Prisoners Guilty of High Treason ; and the Court order'd the Irons to be put on Mr. *Chadwick* again.

The Prisoner *Chadwick* was executed on *Kennington Common*, on *Wednesday* the 30th of *July*, 1746, according to his Sentence ; and his Head was preserv'd in Spirits, and sent down to *Carlisle* or *Manchester*, to be put up as those of *Townley* and *Fletcher's* had been on *Temple-Bar* ; but his Body was delivered to his Friends to be buried.

He was about 32 Years of Age, of very honest and creditable Parents in *Manchester*, and whose Father is now living there, and follows the Trade of a Tallow-Chandler and Soap-boiler. This unfortunate Man was bred up to the same Trade, but he playing pretty well on several Instruments, kept a deal of the most polite Company of the Place, and never followed any Trade.

He was a Person of great Resolution, and could, as he used to say, look Death in the Face with as much Pleasure as he could a Friend who came to visit him, and could meet it with as much Good-will. His Behaviour, during the whole Time of his Confinement, was always chearful and merry, taking all manner of Pleasures the Gaols afforded ; and frequently declaring, that what he had done he was not sorry for, for if it was to do again, he would act in the same Manner.

The Morning of his Execution, whilst they were at Breakfast, Mr. *Chadwick* said to Mr. *Barwick*, *Ah ! Duke* (for this is the Name that *Barwick* went by in the Rebel Army) *our Time draws very near ; though as to my Part I am as hearty as ever I was in my Life.* Mr. *Barwick* reply'd, *As to my Part, I think we all look pretty well, and I declare Death don't shock me in the least. I hope God will be merciful to us all ; for I can lay my Hand on my Heart,*
and

and say, the greatest Injury I ever did was to myself and Relations; and though I have brought them and myself to Disgrace, they have been so kind as to forgive me, and would have sav'd my Life had it been in their Power.

The other Prisoner *Brattab* receiv'd his Majesty's most gracious Reprieve for three Weeks.

The Trial and Dying Speech of Thomas Deacon, for High Treason, July 17th, at the Court-House at St. Margaret's Hill.

THE Court being sat, the following Judges being present, viz. Lord Chief Justice *Willes*, Mr. Justice *Abney*, and Mr. Justice *Forster*, *Thomas Deacon* was put to the Bar.

[*As his Indictment was the same with all the rest of the Rebel Officers, we shall not take up the Reader's Time to insert it so often, for which Reason the Indictment we shall omit in the following Trials.*]

King's Council. Call Mr. *Samuel Maddox*, who appeared and was sworn.

King's Council. Mr. *Maddox*, give an Account to the Court and Jury what you know of the Prisoner that stands by you.

Maddox. I saw him at the *Bull Head* at *Manchester*, where he sat at a Table, writing down the Names of such as enlisted in the Pretender's Service; for which he was paid for every Name enlisted, One Shilling. There were several blue and white Ribbands lying before him, which, when he was not writing, he made up into Favours, and gave them to the Men enlisted. I saw him march from *Manchester* to *Winslow* as an Officer, wearing a Plaid Waistcoat, with laced Loops, a broad Sword by his Side, a Brace of Pistols stuck in his Girdle, and a Cockade in his Hat. When he beat up for Volunteers

at several Places, he made a very long Speech, inviting all Gentlemen Volunteers to come and serve *Charles*, Prince Regent, and they should have good Quarters, be well us'd by the Officers, and enter into present Pay, and when they came to *London*, they should receive five Guineas to bear their Expences Home, if they thought proper to leave the Service, and should receive Thanks, and have a Protection. At *Winslow* he was order'd by the Pretender to march to *Derby* as a Guide, with Ammunition, &c. that had been seized; and at *Leake* he went with *Thomas Sydall* and *James Bradshaw* to raise Recruits, and join'd the Rebel Army again at *Manchester*. That at *Preston* he commanded his Company, and gave Directions to the Officers under him, who obey'd him; and that at *Carlisle* he mounted Guard in the Town-hall during the Siege.

Thomas Bradbury, another Witness, swore, That the Prisoner was a Captain in the Rebel Army, and was dress'd as above. That he, the Witness, being a Servant to a Printer at *Manchester*, the Prisoner, with other Rebels, came to him, in the Absence of his Master, and compell'd him to print a treasonable Paper, which they called a *Manifesto*, and likewise an Advertisement; both which were deliver'd into Court and read. The Advertisement, or Hand-bills, were distributed by the Rebels, offering all fitting Encouragement to such as would enlist with them, and that he the said *Deacon* was in a great Hurry, and came several Times to the Printing-Office, and threatned Mr. *Bradbury*, if he did not get the Papers ready, he should be severely punish'd; — and that he, the said *Deacon*, brought with him when he came for the said Papers, a great Number of Horse belonging to the Rebel Army, who threatned to pull down the House.

Thomas Craigg, another Witne's swore, That he saw the Prisoner mount Guard at *Manchester*, *Preston*,

ston, and *Carlisle*; that he was Lieutenant-Colonel, and promoted for his great Diligence, in raising Recruits. — Capt. *Nevet* swore, That the Prisoner said, his Name was *Thomas Deacon*, and that he was a Captain in the *Manchester* Regiment. — Capt. *Carey* confirm'd Capt. *Nevet*'s Testimony.

The Prisoner had no Witnesses to produce, so the Jury found him guilty of the Indictment.

This unfortunate young Man, who was about 22 Years of Age, was the Son of Dr. *Deacon* of *Manchester*, who gave him a liberal Education, and designed to have brought him up to his own Profession; but he was unhappily prejudiced in Favour of the Pretender against the present Royal Family, by the Company he frequently convers'd with; and by their Persuasion, took on in the Rebel Army as soon as it came into *Manchester*, and he had often declared before the Rebels came to the Town, that he would join them as soon as they did; and was one of the most strenuous Zealots for the Cause amongst them.

It was very unfortunate for his Family his taking a Commission in the Pretender's Service, for by his Example his two other Brothers did the same, one of which died in the Pretender's Service, and *Charles* the Younger, now lies under Condemnation; an Account of whom is hereafter given in his Trial.

His great Activity in the Service made him so far taken Notice of by the young Pretender, that he was made Lieutenant-Colonel of the Regiment, and was to have been Colonel of the same, as soon as Col. *Townley* had raised his new Regiment of Horse.

His taking Leave of his Brother *Charles Deacon* in the County Goal was very moving; his Brother declaring he had rather have suffered with him, than to survive him; and that was the only Time any particular Alteration could be discerned in him, and then he was in great Agonies and wept.

He

He was executed with *Townley* and the rest, on *Kennington Common*, on *Wednesday* the 30th of *July* 1746, in the same Manner as *Townley*. His Body was deliver'd to his Friends to be buried, and his Head was preserved in Spirits, and sent down to *Carlisle*, or *Manchester* to be put up on one of the Gates.

The Trial and Dying Speech of JOHN BARWICK.

JOHAN BARWICK was then brought to the Bar, and being arraigned on the same Indictment, with the other *Manchester* Officers, the Jury were sworn to try him. The Treason, and Overt Acts of Treason, were laid to be committed on the 10th of *November*.

The first Witness for the King that was call'd, and sworn, was *Samuel Maddox*; and he depos'd, That he had often seen the Prisoner, particularly at *Manchester*, and other Places, and that he always appeared as an Officer, and gave his Command; he saw him at *Carlisle*; and that he was there when the Town surrender'd. — Mr. *Bouker*, the *Manchester* Constable, said, That he saw him in the Town, and that he appeared in the same Garb as the other Officers belonging to the Regiment, which they call'd, The *Manchester* Regiment.

The Council for the Prisoner insisted, that the Charge was not proved, for that in all Cases of High Treason, there must be two positive Witnesses to prove the Fact, and as they apprehended that was not done sufficiently by the two Witnesses that had been examined; on which the King's Council call'd Capt. *Nevet* and Capt. *Carey*, who both appearing and being sworn, depos'd, That when they went into *Carlisle* by the Duke's Order, to take an Account

of what Rank all the Officers were, the Prisoner gave in his Name to them as a Lieutenant in the *Manchester* Regiment.

The Prisoner calling no Witnesses, the Jury found him Guilty.

This Prisoner was about 32 Years of Age, and was a Housekeeper in *Manchester*, and a considerable Dealer in checqu'd Linnen, where he kept a Shop, and had a good Trade ; but not being so diligent as young Tradesmen should be, and loving his Pleasure too well, 'tis thought he was running behind-hand in the World ; and that not being able to settle his Accounts with his Creditors, was the principal Reason (as the Report goes) that induced him to take on with the Rebels.

The Commission he bore was a Lieutenancy in the *Manchester* Regiment, given him by the Pretender ; to whom he had been well recommended as a Man of undaunted Courage and Resolution, firm to his Party, staunch in his Principles, and of a bold enterprizing Disposition, of which he discovered manifest Tokens on every Opportunity that offered.

He was executed also on *Kennington* Common, with *Townley* and the rest, according to the Sentence, on *Wednesday* the 30th of *July* 1746, and his Head was put into Spirits, and sent to *Manchester* or *Carlisle* to be put up in one of those Places ; his Body being delivered to his Friends to be buried.

The Tryal and Dying Speech of James Dawson.

JAMES DAWSON was indicted for High Treason, in levying War against the King, and adhering to his Majesty's Enemies, &c. And the Indictment charged

charged the Prisoner with committing the Treason on the 10th of *November*.

King's Council. Call *Samuel Maddox* ; who appeared, and was sworn ; and deposed, That Mr. *Dawson* was a Captain in the *Manchester* Regiment, and was drawn up as Captain at the Review before the young Pretender at *Macclesfield*. — That he saw him at *Penrith*, at *Carlisle*, and other Places along the Road, at the Head of his Company. — Mr. *Maddox* also deposed, That *Dawson* the Prisoner beat up for Volunteers at *Derby*, and made the same Speech that *Deacon* made when he beat up for Volunteers for the young Pretender, and pulled his Hat off and hallow'd.

Thomas Joy depos'd, That he saw him at *Carlisle*, and saw him mount Guard there ; and said, he walked with the Officers ; and that he was called Captain.

James Warren depos'd, That the first Time he ever saw Mr. *Dawson* was at *Lancaster* ; and that he afterwards saw him at *Carlisle* ; and that he was there when the Town surrender'd, and always appear'd as a Captain.

Then Capt. *Nevit*, and Capt. *Carey* prov'd, That he was at *Carlisle* when the Town surrender'd, and acknowledg'd himself an Officer in the *Manchester* Regiment in the Service of the Pretender.

His Defence.

Prisoner. I had a Promise of Mercy from his Royal Highness the Duke of *Cumberland*, upon the Capitulation of *Carlisle* ; and I hope the Court will consider my Case.

The Jury found him GUILTY.

This Prisoner *James Dawson* was about 28 Years of Age, born of very reputable Parents in *Lancashire*. After he had gone thro' the Exercises of the School and the Classicks, his Parents put him as a Student in *St. John's College, Cambridge* ; and after he

he left College, he went to *Manchester*, and there liv'd on the Fortune he had of his own, and what else he was supported with by his Friends. He was always a mighty gay Gentleman, and frequented much the Company of the Ladies, and was well respected by all his Acquaintance of either Sex, for his genteel Deportment.

He was as strenuous for their vile Cause as any one in the Rebel Army, and gave 150*l.* to *Murray*, the Pretender's Secretary, for his Commission as Captain of a Company in the *Manchester* Regiment.

When he was brought to the Goal after his being condemned and double fetter'd, he said, He did not care if they were to put on a Ton Weight of Iron on him, it would not in the least daunt his Resolution.

He was executed according to his Sentence on *Kennington* Common, on *Wednesday, July 30, 1746*, with *Townley* and others; but his Head and Body were delivered to his Friends to be buried.

THEN *Christopher Taylor*, an Ensign in the *Manchester* Regiment, was brought to the Bar, and before the Cryer called over the Jury to try him, he desired the Court would suffer him to retract his Plea; which being granted, he pleaded GUILTY, and receiv'd his Majesty's most gracious Reprieve for 3 Weeks from *July 30, 1746*.

JOHN HUNTER was indicted for High Treason, which was laid in the same Manner as in the other Indictments.

Mr. *Samuel Maddox* could not prove that the Prisoner was in Arms; and Capt. *John Vere* swore he was forc'd into the Rebellion, and at *Preston* the Rebels ty'd him and the Prisoner together with a Rope, and forc'd them both to walk many Miles without Shoes, and that the Prisoner was so lame,
that

that he walked in the greatest Torment.

It plainly appearing to the Court and Jury by the said *Maddox* and others, that Mr. *Hunter* was forc'd into the Rebellion, he was acquitted ; and the Court ordered the Keeper immediately to knock off his Irons, and discharge him out of Custody, which was accordingly done.

St. Margaret's-Hill, July 18, 1746.

THIS Morning the Lord Chief Justice *Willes*, Mr. Justice *Wright*, and Mr. Baron *Clive*, having taken their Seats in Court, *Andrew Blood*, alias *Blyde* was set to the Bar ; and he desiring to retract his former Plea, the Court allow'd the same, and he pleaded *Guilty*.

This Prisoner was executed with the others at *Kennington Common* on *Wednesday* the 30th of *July*, 1746. — He was born of a very reputable Family in the North Riding of *Yorkshire*, and was Steward to a Gentleman of a very plentiful Fortune in that Part of the Country, and always behaved exceeding well, and was a young Man who kept Company with the better Sort of People. As it can be of no Service to the Publick, we forbear mentioning the Gentleman's Name whom he serv'd, but his Master made great Interest to save him, tho' to no Purpose.

When the Rebels marched from *Lancaster* to *Manchester* he join'd the Rebel Army, and went with them, and was by the young Pretender made a Captain in the *Manchester* Regiment as soon as it was raised.

Both before and after his Condemnation he behaved with great Decency ; and it may be truly said, that he was the only one who sincerely repented of the Part he acted for the Pretender, but was too late

late convinced of his fatal Error.

When he received Sentence, he appear'd calm and resigned, and seem'd to have a deep Sense of the moving Speech made by the Lord Chief Justice, and made a low Bow, when he went from the Bar, to his Lordship and the honourable Court.

His Head and Body were delivered to his Friends to be buried.

The Trial of John Saunderson.

Clerk of the Ar- **M***R. Jones, (who is Keeper of the*
raigns. *County Gaol)* put *John Saun-*
derson to the Bar; which was immediately done.

King's Coun. Call *John Davidson*; who appeared, and was sworn.

K. Coun. Pray, Sir, give an Account of what you know of the Prisoner's being in the Rebel Army.

Davidson. I saw the Prisoner at *Carlisle*; he appeared there as first Captain in the *Manchester Regiment*: I am certain to his Person.

Prisoner's Coun. What are you, Sir, you swear very positive.

Davidson. I am a Gentleman, and live in the County of *Cumberland* on what I have.

Allen Stewart was then call'd and sworn; and said, that he saw Mr. *Saunderson* at *Carlisle* at the Head of his Company, and that he was in the Town Hall, and mounted Guard in the Rank of a Captain.

It was also proved by Mr. *Maddox*, That the Prisoner was first Captain in the Regiment, and was consulted by the Pretender and the other Rebel Officers upon every Occasion what was most proper to be done. — That he was very angry when they proposed to surrender the Town and Castle of *Carlisle* to the Duke, and said, he would sooner die at the Mouth of a Cannon than consent to it. — And
this

this Evidence farther depofed, that he had heard him fpeak the Words more than once.

And feveral other Witneffes proved his being a Rebel Officer in the *Manchester* Regiment.

The Prifoner called two Women in his Defence, to invalidate fome Part of the Evidence; but the Jury finding the Treafon plainly prov'd, found him *Guilty*.

His Majefty was graciously pleas'd to reprieve him for three Weeks, from *July 30, 1746*.

The Trial and Dying-Speech of Thomas Syddall.

Thomas Syddall was indicted for High-Treafon in levying War againft his Majefty, and adhering to his Majefty's Enemies, &c.

The King's Council call'd *James Warren*, who depos'd, That he faw the Prifoner review'd as an Officer on *Penrith Moor*, and at other Places.

Thomas Bradbury fwore, That he faw him at *Manchester* with the Rebel Army.

Thomas Craigg depos'd, That he faw him carry the Pretender's Colours into *Lancaster*.

Thomas Joy being call'd and fworn, depos'd, that he faw the Prifoner act as an Adjutant at *Carlifle*.

It was alfo prov'd by the Witneffes, that *Syddall* often faid, that he would live and die in the Caufe he was engag'd in; and defired the Officers, when a Confultation was held at *Carlifle*, never to give up the Place, but lofe their Lives bravely.

The Prifoner made no Defence, nor call'd any Witneffes, *Guilty*.

Thomas Syddall, was about 40 Years of Age, and was a Native of the Town of *Manchester*, being bred to the Bufinefs of a Barber and a Peruke-maker,

and had the most Business of any Man of his Profession in the whole Town, and was reputed to be worth no less than 1500 *l.* Sterling when he joined the Rebels. He had five Children living, and ever since his Confinement, both before and after Sentence, he often was heard to say, that he hop'd they would all die in the same Cause; for that his Father (who was hang'd at *Manchester* in the Rebellion in 1715) dy'd a Martyr, and was sent to the Seat of Joy some Years before he could have possibly gone, according to the common Course of Nature.

He was not in the least affected when he receiv'd Sentence of Death; he was of a bold and enterprising Resolution, and bore his Afflictions seemingly without the least Shock till the Day he dy'd; but that Morning when the Executioner began to halter him, he seem'd to tremble, and before his Hands were ty'd, took a Pinch of Snuff. He did not seem the least shock'd at the Place of Execution. He was executed with the others on *Wednesday, July 30, 1746*; his Head was carried to *Carlisle* or *Manchester* to be put up, and his Body delivered to his Friends to be buried.

The Trial of JAMES WILLDING.

James Willding, otherwise *Wheelding*, was indicted for High Treason, &c.

It appear'd by Mr. *Samuel Maddox's* Evidence, that when the Pretender's Army was at *Manchester* the Prisoner join'd them, and was made an Officer there; that he marched from *Manchester* with the Rebels on Horseback, and that he saw him at *Carlisle* review'd as an Officer.

His being at *Derby*, *Penrith*, *Leake*, and several other Towns with the Pretender's Army, was fully proved by several other Witnesses; so the Jury found
account

him Guilty. But on account of his Youth recommended him to his Majesty's Mercy.

The Prisoner *Wheeling* (which is his right Name) who is not 17 Years of Age, by the Testimony of one whom his Council call'd, depos'd, That the Prisoner's Father was a Scarlet Dyer at *Manchester*, and had obliged his Son by Threats and Compulsion to join the Rebels; and that his Son refus'd to go; and that the Prisoner's Father got a Horse for him, and he marched out of *Manchester* as a Lieutenant of Pioneers, and went all along the Road to *Derby*, and from thence back to *Carlisle*, and was there at the Siege; and the Pioneers Company being broke, he was then made an Ensign.

This Prisoner has receiv'd his Majesty's most gracious Reprieve for three Weeks from the 30th of July 1746.

N. B. *The Court was pleas'd to express, on hearing the above Witness, that they wish'd the Father had been there instead of the Son.*

The Trial of CHARLES DEACON.

CHARLES DEACON (a Youth of about 15 Years of Age) was indicted for High Treason, &c.

It appear'd by the Evidence of *Samuel Maddox*, and several other Witnesses, that the Prisoner serv'd as an Ensign, and enlisted at *Manchester*, and march'd from thence with his Brother *Thomas*, and surrender'd himself at *Carlisle* to his Royal Highness the Duke.

He could say nothing in his Defence, nor had one Witness; so the Jury found him Guilty; but desired the Court to recommend him to his Majesty's Mercy.

When the Evidence for the Crown was clos'd, Mr. Serjeant *Wynne*, of Council for the Prisoner, made an excellent Speech to the Court and Jury, and observed, 1st. That the Prisoner was not above 15 Years of Age, and that he scarcely knew there was a King, and being only a School-Boy, he went with his Brother *Thomas* at his Request, to avoid the Wrath of an austere Father, who was greatly incens'd at him, because he left the School. The Council for the Prisoner observ'd, That it was common for School-Boys to call one another Captains, Lieutenants and Ensigns, and therefore (said he) I don't wonder that they call'd the Prisoner an Ensign. When he was taken, it would have been very proper to have sent him to his School-master, to be corrected severely for playing Truant. And concluded in telling the Jury, that it might have been the Case of any of their own Children, to be drawn into such an Affair as the Prisoner has been; and therefore, he hoped they would acquit him of the High Treason he stood indicted.

This Prisoner receiv'd his Majesty's most gracious Reprieve for three Weeks, from *July 30, 1746.*

The Trial of DAVID MORGAN, of Monmouth, but late of Derby, Esq; with his Dying Speech.

The Names of the Jury.

<i>James Glover,</i>	<i>John Voice,</i>
<i>Joseph Brookes,</i>	<i>Thomas Clement,</i>
<i>John Mason,</i>	<i>Thomas Symonds,</i>
<i>Joakin Faulk,</i>	<i>John Jeffries,</i>
<i>Ralph Godfrey,</i>	<i>Henry Rowed,</i>
<i>William Barnard,</i>	<i>John Clement.</i>

THE King's Council opened the Indictment, and proceeded, and call'd the following Witnesses to

to support the same against the Prisoner.

Sol. Gen. Call *Edward Tew* (which was done accordingly) who appear'd in Court, and was sworn. — Pray Mr. *Tew* inform my Lord and the Jury what you know relating to the Prisoner at the Bar.

Tew. I live at *Preston* next Door to the Sign of the Joyners Arms, and when the Rebel Army was there, I assisted my Neighbour to wait on some Company that were at that House, most of whom were Officers belonging to the Rebels.

K. Coun. Can you recollect ever having seen the Prisoner there?

Tew. I remember him very well, for I waited on him at Dinner, when Lord *Elcho* and he din'd there together.

K. Coun. Do you remember any Discourse that pass'd?

Tew. The Prisoner ask'd Lord *Elcho* what Number of Men the young Pretender [which the Prisoner call'd Prince] had landed with him.

K. Coun. And what Answer did he make?

Tew. He said, not above half a dozen, but the Number soon increas'd when the Clans heard he was landed; and also that they had 17 Pieces of Cannon.

K. Coun. And what further Discourse pass'd between them?

Tew. The Prisoner ask'd Lord *Elcho* what Religion the Pretender profess'd?

K. Coun. And what was the Reply?

Tew. My Lord *Elcho* shook his Head, and said he could not very well tell; but he believed his Religion was to seek.

K. Coun. And what pass'd then?

Tew. The Prisoner ask'd if they had ever beat up for Volunteers in *England*, and Lord *Elcho* said they had not; and then the Prisoner advised him to beat up for Volunteers, and said it would be an easy Matter to march forwards for *London*, for that there

was

was not above 3000 Soldiers between there and London, and most of them was Dragoons, besides a few undisciplin'd Troops that were raised by Lord Gower and Lord Cholmandley, who would make but little Opposition.

K. Coun. Well, Sir, go on :

Tew. I know nothing more that is particular, that passed at that Time ; but the next Morning the Prisoner came, and asked for Lord *Elcho*.

K. Coun. What Appearance did he make then ?

Tew. He was in a white Cockade and a Sword by his Side ; and I saw him several Times walking up and down the Town with the Rebel Officers.

K. Coun. Did you see the young Pretender ?

Tew. He march'd at the Head of the Regiment, and did not lodge (as I have heard) but two or three Doors from the House where the Prisoner at the Bar lodg'd.

K. Coun. What Number of People do you think the young Pretender's Army consisted of ?

Tew. The Talk in Town was, that they were 6000 strong ; There was a great many, but as to the Number I cannot be positive.

K. Coun. Do you imagine he was forc'd into the Rebels Service.

Tew. He was under no Force that I saw, for he appear'd all along to be one of the Heads of them, and all of them seem'd to have a great Regard to what he propos'd, particularly about the Proposals he made for beating up for Volunteers.

K. Coun. Will you ask this Witness any Questions ?

Pris. to Tew. I desire, Sir, that you would give the Court an Account how you came to know that my Name is *Morgan* ?

Tew. I cannot say now that your Name is *Morgan*, but I am very positive to your Person.— I know your Face very well, and if I was not well assured that you are the very same Man, I would not swear it.

K. Coun.

K. Coun. Was the young Pretender at that House?

Tew. I do not know, but they said that he lodg'd a few Doors further.

John Barry call'd and sworn.

K. Coun. *John Barry*, I desire you would inform the Court and Jury, what you know relating to *Mr. Morgan*, the Prisoner at the Bar.

Barry. I came out of *Monmouthshire* with my Master and Prisoner at the Bar, in the Month of *November* last, and at the Town of *Preston* we join'd the Rebel Army. About a Mile on this Side of *Preston* my Master and the Prisoner left their Horses, and walk'd to *Preston* on Foot to avoid any Suspicion of what their Design was.

K. Coun. And what Part did the Prisoner at the Bar act; and how did he behave during the Time you was with the Rebel Army?

Barry. I saw him ride with the Rebel Army, from *Preston* to *Manchester*, and he was very active in encouraging the Rebel Officers and Soldiers. After that I saw the Prisoner at *Ashborn*, and he said there that he would not leave the Army as long as he liv'd. — I cannot say that he bore any Commission as an Officer: If he did it's more than I know.

Benjamin Bowker call'd and sworn.

K. Coun. *Mr. Bowker*, acquaint my Lord and the Gentlemen of the Jury, what you know of *Mr. Morgan* the Prisoner.

Bowker. Upon the 29th of last *November*, I had this Paper delivered to me, (holding a Paper in his Hand, and looking at it). It is a Paper ordering me to search for Arms.

K. Coun. What are you, Sir!

Bowker. I am a Deputy Constable of *Manchester*.

K. Coun. Who gave you that Paper?

Bowker. The Prisoner at the Bar and *Mr. Wallis*,
who

who was one of the Head Constables.

K. Coun. Then the Prisoner was with Mr. *Wallis*, when you had that Paper delivered to you.

Bowker. Yes, he was.

K. Coun. What were the Contents of the Paper?

Bowker. It was a Warrant sign'd by *Murray* the Pretender's Secretary, to search for all the Arms I could find, and if any Body refus'd to deliver up and surrender their Arms, they were to suffer Military Execution against their Goods and Effects.

[*Then this Paper was delivered by Mr. Bowker, to the Clerk of the Arraignment, and was read in Court; but it is so very treasonable, that it is improper to insert it. The Preamble call'd the Pretender's Son, Regent of England, Scotland, and Ireland, and required all whom it may concern, to pay due Obedience to that Order.*]

K. Coun. What, did you get any Arms of the Town's People at *Manchester*.

Bowker. I did, and carried them to the Prisoner's Lodgings, and left them there, tho' I did not see, but I ask'd for Esquire *Morgan*, and one of the Servants belonging to the House, told me he would be there presently.

K. Coun. Do you know any Thing further?

Bowker. I do not: I have spoke all that I can collect.

K. Coun. Call *Samuel Maddox* next, and swear him.

(*Then Samuel Maddox* appear'd, and was sworn)

K. Coun. Mr. *Maddox*, inform the Court where you first saw the Prisoner at the Bar.

Maddox. I saw Mr. *Morgan*, the Prisoner at the Bar, at *Manchester*, when he was join'd with the Rebel Army; he had a white Cockade in his Hat, and a Sword by his Side, and publickly declared that he was of the Pretender's Party.

K. Coun. Did he march away from *Manchester* with the Rebels?

Mad-

Maddox. He march'd with them to *Derby*, and there being an Information given that some Arms were secreted from the Rebels, he gave Orders for a Party of the Rebel Army to go and search for them.

K. Coun. Did he go with that Party ?

Maddox. Not to my Knowledge. I saw Capt. *James Dawson* * deliver him a Pair of Pistols.

K. Coun. Whilst the Rebels were at *Manchester*, was not there some Talk of the Prisoner's being made Colonel of the *Manchester* Regiment, as it was call'd ?

Maddox. I was in the Room at Mr. *Cookson's* at the Dog at *Manchester*, when the Proposal was made for the Prisoner to be Colonel of the Regiment ; but he refus'd it, and said Mr. *Townley* was much fitter than he for such an Office ; and then it was agreed amongst those that were present, that Mr. *Townley* should be Colonel, and he was declared so, and had the Pretender's Son's Commission.

K. Coun. You say you saw him march from *Manchester* to *Derby*.

Maddox. Yes, I did ; he march'd as a Gentleman Volunteer, and was very active, and did all in his Power to promote the Interest of the Rebels.

Mr. Maddox was cross-examin'd by the Prisoner.

Pr. You talk so very exactly, I desire to know if you ever made any Memorandums of what pass'd ?

Mad. I did, but I have not got those Memorandums, for I delivered them to that Gentleman (*pointing to the Solicitor of the Treasury's Clerk*).

Pr. Are you sure they have never been alter'd ?

Mad. I am very sure they never were by my Direction ; since they have been out of my Custody I have never seen them. I have made no Use of them

K

to

* *Dawson was the Day before convicted of High-Treason, being one of the Rebel Captains.*

to refresh my Memory, for I can remember the Particulars very well without them.

K. Coun. Call Capt. *Vere*, and swear him, (which being done he stood up:)—Pray, Captain, inform us what you know of the Prisoner.

Vere. On the 3d of *November* I saw the Prisoner at Sir *Peter Davenport's* at *Macclesfield* with several of the Rebel Officers; and I have seen him at several other Places march with the Pretender's People. I knew him very well, for he abus'd me, and call'd me a great Scoundrel, because he said I had prevented a Gentleman from getting a Commission under Sir *Daniel O'Carrol*.

K. Coun. Are you positive the Prisoner is the same Person you saw at *Macclesfield*, and in the Pretender's Army?

Vere. I am sure he is the very same; I saw him at several Places, particularly I remember to have seen him about a Mile out of *Derby*, riding with the Pretender on a bay Horse.

K. Coun. When was you at *Macclesfield*?

Vere. I saw him there on the 3d of *November*, and on the 5th I saw him at *Derby*; and I am sure he is the very same Man, because I know him very well.

(*Mr. How call'd and sworn.*)

K. Coun. Mr. *How*, do you know Mr. *Morgan*?

How. Yes, I know him very well: This Gentleman (*pointing to the Prisoner*) who stands by me is Mr. *Morgan*.

K. Coun. What do you know of him?

How. He lodg'd at my House, and was accounted a principal Man amongst the Rebels, and they call'd him the Pretender's Counsellor.

K. Coun. How do you know that he was a principal Man?

How. Because he seem'd more active than any of them. He paid me the Reckonings when he us'd to dine

dine with the Rebel Officers. He paid me a Guinea and three Shillings, and gave all Directions about every Thing.

K. Coun. Had you any Discourse with him?

How. Yes, I had; when the Rebels were at *Derby*, he ask'd me if I was surpriz'd at their being there so soon? I told him, that I expected them as that Night.

K. Coun. What did he say then?

How. He said it was more than they expected themselves; and if I had heard such News, he was sure that the D—l had brought it me.

K. Coun. And what do you know further?

How. I have seen the Prisoner since he has been taken up.

K. Coun. Where have you seen him?

How. In *Newgate*.

K. Coun. Had you any Discourse with him there?

How. Yes, I had.

K. Coun. Then relate it to the Court and Jury; speak all that you can remember.

How. I came to Town on Business, and being inform'd that Mr. *Morgan* was in *Newgate*, I went there out of Curiosity to see him; when I came there I spoke to him, and he seem'd glad to see me, and ask'd me kindly how I did, and we drank together, and had some Discourse.

K. Coun. What did that Discourse relate to?

How. I said I was very sorry to see him a Prisoner in such a Place.

K. Coun. And what did he say to that?

How. He said he should soon be at *Derby* in Spite of King *George*, or any Body else.

The Prisoner's Defence.

Prif. Coun. My Lord and Gentlemen of the Jury, I cannot speak so exactly to the Evidence that has been given against this unhappy Gentleman, as I

could wish, because I have not had my Brief above half an Hour. If my Instructions be right, I will take upon me to say, that we shall produce Evidence of good Credit and Reputation, who will prove, that this Gentleman, the Prisoner, was forced into the Service of the Rebels, and at several Times, and several Places, endeavoured to make his Escape from them ; which he at last effected, and was seiz'd, after he had made his Escape, by a Magistrate, and committed Prisoner. And to prove that the Prisoner did make his Escape, I shall call Mr. *Chatterton*, who is the Master of the House where the Prisoner lodg'd at *Ashborn* in *Derbyshire*.

Mr. *Chatterton* being called and sworn.

Pris. Coun. Sir, do you know any Thing of the Prisoner's endeavouring to make his Escape from the Rebel Army.

Chatterton. Yes.

Pris. Coun. And how did he propose to make it ?

Chatterton. He was to go out of Town one Morning about one or two o'Clock, and order'd me to call him at that Time.

Pris. Coun. And did you call him ?

Chatterton. I did, but he did not care to rise then, for fear he should be stopt (in endeavouring to get away) by the Rebel Guard, who were posted all about the Town. He said, that about five in the Morning would be the most proper Time, for then the Rebel Pipes would begin playing, and they would all be busy, and that was his only Time to make his Escape from them.

Pris. Coun. And did he go away from your House, and out of *Ashborn* Town ?

Chatterton. Yes, he went away, and asked me to go with him as a Guide to shew him some Bye-Way to *Stone* ; and said, it would be very proper for us to get to some Farm-House, and hide ourselves, lest the Rebels should send in Search of him, and if we
should

should be taken after he had got away, and brought again to the Rebel Army, he did not know what might be the Consequence.

Pris. Coun. Did you go with him as a Guide, Sir?

Chatterton. When he propos'd it to me, I said, Mr. *Morgan* it is impossible for me to leave my House, for we are all in a Hurry, and therefore you can't expect I should go, but I will send a Man with you that will do as well.

Pris. Coun. And you did send a Man with him?

Chatterton. I spoke to a Man who work'd Labouring Work with me, who I knew was well acquainted with the Country, and he agreed to go; and they both set out of *Ashborn*, and the first News that I heard afterwards, was, that the Prisoner and my Man were both seized on Suspicion of being of the Rebel Army. And what I heard was very true, so I went to the Gentleman by whose Order they were apprehended, and enquired about the Matter, and told him how the Affair was, just in the same Manner I have inform'd this honourable Court, but his Worship would not discharge my Man till I had given Security for his Appearance, which I was oblig'd to do; so he was set at Liberty, and the Prisoner at the Bar was kept in Custody. — This is all that I know of the Matter.

[*Here the Prisoner's Council rested his Defence, there being no other Witnesses to examine on his Behalf.*]

Court to Prisoner. You have heard, Sir, what has been sworn; whatever you have to say in your Defence, now is your Time to speak it, and the Court will hear you. — (And then the Prisoner spoke to the following Effect, after the Cryer had made Proclamation for Silence.)

I have heard what has been sworn against me by the Witnesses on the Behalf of the Crown, and I appeal to the Court and the Jury, if there are not
the

the greatest Improbabilities in the World in the Evidence they have given against me. I would speak particularly to what happen'd at *Manchester*. The Deputy Constable, he swears, that I gave him an Order to seize all Arms he could find, and to bring them to my Quarters: Mr. *Maddox* swears, That at a Consultation amongst the Officers at *Manchester*, I was propos'd for Colonel of the Regiment, which I refus'd, because I thought Mr. *Townley* was more fit for such a Command than myself.

Now can any reasonable Man imagine, that I, who had refus'd to be the Chief Commander of the Regiment, would do the servile Office of going up and down the Town in Search for Arms.

Every Gentleman of the Army (and I see several in this Court) very well know, that to go on such an Errand, would ill become any Officer of a superior Rank; and as to my own Part, I am sure I could not have done any such Business.

I do not deny my being at several Places with the Rebels, and if I had been indulged with a longer Time to prepare for my Trial, I should have made appear very clearly, that I was taken Prisoner by the Rebels, and detained with them much against my Inclination; for there was no resisting Force.

My Landlord, Mr. *Chatterton*, has made it plainly appear to this honourable Court, that I made my Escape as soon as it was in my Power; and if I could have done it sooner, or have had an Opportunity to get away from them, I should have been very glad to have embrac'd it.

As to my Capacity as one bred to the Law, I confess I never pretended to much Knowledge that way, and therefore was a very improper Person to counsel the Chief of the Rebels; for my Advice, I am sure could be of little Service to him.

There were abundance of Gentlemen of Fortune seiz'd as well as myself, who were obliged to go with
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the Army, till they found Means to escape as I did. I had been to pay a Visit to a Gentleman at *Etherton-Hall* in *Cheshire*, and I was seized by the Rebels, and they took my Horses from me.

The Laws of *England* are very just and equitable ; and they say, that every Man shall be try'd by his Neighbours, of the same State and Condition with himself.

God help me, I am deprived of that Benefit, for I am now amongst Strangers who know nothing of me : They are upon their Oaths, and must give Credit to the Witnesses ; but I hope, and do not in the least doubt, that they will do me Justice.

I have serv'd the Crown of *England* in two Campaigns with some Reputation. And I believe no Gentleman belonging to the Army, who knows me, will deny what I now tell this honourable Court. I cheerfully gave all the Assistance I could in the publick Service, and I was always glad when my poor Endeavours were crown'd with Success.

Here have been many Witnesses examin'd against me, and it's very impossible that I should confute them, because of the short Time allow'd me.

I think it a very great Hardship that I should be the last try'd of all these Gentlemen, because I could have brought several of them to prove my Behaviour both at *Manchester*, and other Places, was quite different from what the King's Witnesses speak of ; but as they are convicted, they cannot give any Testimony for me, and that Assistance I might have had can now be of no Use to me.

If I was to speak it with my last Breath, I must deny that I went voluntarily into the Rebellion ; but as the Evidence for the Crown is so strong against me, I must submit to the Determination of this honourable Court, and I submit myself accordingly.

When the Prisoner had done speaking, Mr. Solicitor General stood up, and made a Reply, which was

was to the Effect following.]

Sol. Gen. I should not have troubled your Lordships, or the Jury with saying one Word more relating to the Prisoner that is now before you, but I find it necessary, from what has been offered in his Defence, to observe, that he has complained of many Hardships.

He seems to think it a great Grievance, that his being last try'd has depriv'd him of many Advantages ; but, in my Opinion, he has had a better Chance to defend himself, because it gain'd him more Time to get his Witnesses ready, and to prepare for his Defence.

Can any Man imagine that either of the Persons who have been convicted (if *Mr. Morgan* had been first try'd) would have appear'd to clear him of the Charge that is laid against him ? If they had done so, they would have been their own Enemies, for their Evidence would have been a plain Proof against themselves, and convinced every body that they were in the Rebellion.

The Prisoner has no need to complain of any Hardships ; he has been us'd with as much Lenity and Tendernefs as any Man in his Condition ever was ; and nothing that he has ask'd, which the Law could grant, was ever refus'd him. He has had Council assign'd him of his own chusing to enable him to make his Defence, a Copy of his Indictment in due Time, and therefore he could not have any Pretence of being ignorant of what he stood charged with ; and I am sure no one can say but he has had a very fair and impartial Trial.

I think, of all the Prisoners convicted, it is very evident, that the Prisoner's Case really appears the plainest of any ; for of six Witnesses, there are four who were not concern'd in the Rebellion, who positively swear to his Person, and that he was the most active of any one in the Rebel Service ; and *Mr. How* particularly swears, That he lodg'd at his House, he gave Directions for every Thing, and paid the Reckoning

Reckoning for himself and eight Officers who din'd with him; and therefore he thought the Prisoner was one of the Heads of them :—These were his Words.

Then there is Mr. *Bowker*, the Deputy Constable of *Manchester*, and he comes and swears, That the Prisoner at the Bar, with one *Wallis* (who is one of the Head Constables of *Manchester*, and *Bowker's* Principal) came to him with a Paper sign'd by the Pretender's Secretary, ordering him to search for all Arms, and carry them to the Lodgings of *David Morgan*, Esq; which he did accordingly, for in Case of Refusal, he, and all those who refus'd to deliver up their Arms, were threatned with Military Execution. This Witness is positive to the Person of the Prisoner; and I think there can be no plainer Proof of High Treason than what has been sworn.

As to what Mr. *Ghatterton* has sworn of the Prisoner's Escape from the Rebels, and leaving *Ashborn*, I admit to be Matter of Fact, but this plainly makes against the Prisoner, for when he found their Affairs were desperate, he was willing to shift for himself, and went away privately from them, purposely that he might not be seiz'd by the King's Forces. He had been among the Rebels a considerable Time before this happen'd, and if (as he pretends) he was detain'd against his Will, he undoubtedly had frequent Opportunities of leaving them; but that, you find, he never did, till his own Preservation and Safety required it.

As to his Complaint of Hardships, there is no one here that ever intended him any; but the Jury must go according to the Evidence; and I am sure that no Evidence in the World could have brought a Fact more home to the Prisoner than they have done this: And I doubt not but the Evidence that has been given, will have a due Weight with the Jury, and that they will find him guilty of the Indictment.

The Jury without going out of Court brought the Prisoner in GUILTY.

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David

David Morgan was about 51 Years of Age, born in *Wales*, and bred to the Law, and had frequently (as a Barrister) attended the Courts at *Westminster Hall*, and elsewhere. He was a Person of a very mean Look, and seldom kept Company with any Gentlemen of his Neighbourhood; and if it had not been for his Estate, he might have starv'd, for he was so very lofty, and of so bad a Temper, that no body but such as were beholden to him cared to employ him. This *Morgan* was possessed of a very good Estate in *St. Leonard's Shoreditch*, but he let it all run to Ruin, because he would not pay the Ground-Rent.

The Rebels call'd *Morgan* the Pretender's Counsellor, and his Advice was consulted on every Occasion. Even after he was condemn'd, he was haughty and insolent beyond Expression; and the very Afternoon before his Execution, he grumbled to pay the Cook who dress'd his Dinner, and said she was very extravagant in her Demands.

He read to his Fellow Prisoners above twenty Minutes at the Gallows, and died very unconcern'd.

The Morning (about Six o'Clock) before he went to Execution, he order'd Coffee to be made, and bid them take Care to make it very good and strong, for he had never drank any since he had been in that Prison fit to come near a Gentleman; and because it was ready before he was unlock'd, he seem'd angry, and in a great Passion.

He was executed with the others on *Wednesday, July 30, 1746*, and his Body delivered to his Friends to be buried.

The Proceedings on the 22d of *July*, the Day they receiv'd Sentence, we think proper to insert here, notwithstanding the Dying-Speeches have been before inserted at the End of those that have been executed.

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St. Margaret's-Hill, July 22, 1746.

THIS Day, between Nine and Ten in the Morning, the Lord Chief Justice *Lee*, Mr. Justice *Wright*, Mr. Justice *Foster*, Mr. Justice *Abney*, Mr. Baron *Reynolds*, and Mr. Baron *Clive* came into Court, and the Judges and Council being seated, *Francis Townley* was set to the Bar, and his Council mov'd to arrest Judgment, on account of his having a Commission from the *French King*; and that as there was an open War between the two Crowns, the Crime he stood convicted of could not be High Treason.

This was reply'd to; and the Council for the King very learnedly argued, That the Prisoner was a natural-born Subject of his Majesty; and as he had levy'd War in this Kingdom against his Majesty, he was liable to be punished with Death.

The Court over-rul'd the Motion, and would admit of no Arrest of Judgment.

Then the other Prisoners were put to the Bar, (with *Alexander Abernethy*, *Samuel Gadd*, and *Thomas Furnival*, who pleaded Guilty on their first Arraignment) and severally asked, what they had to say, why the Court should not give Judgment against them, to die according to Law?

Then *Charles Deacon* and *James Willding* begg'd for Transportation; and *Abernethy* and *Gadd* delivered in two Petitions to the Court, setting forth, That they were forc'd into the Service.

Then my Lord Chief Justice *Lee* pass'd the Sentence. His Lordship told them, that the Crime they had been convicted of, was one of the most heinous that could be committed by Mankind, in endeavouring to destroy their lawful Sovereign, ruin the Country, and alter both its Civil and Religious

Rights, and to introduce Popery and Slavery ;—his Lordship also informed them that much innocent Blood had been spilt, and the Lives of many had been lost who stood up for their King and Country, whose Deaths lay at their Doors.—He exhorted them to make use of the short Time that is to be allowed them in this World, and then proceeded to pronounce that Sentence upon them which the Law commanded him to do, which was as follows :

‘ You the Prisoners at the Bar, must go from
 ‘ hence to the Goal from whence you came, and
 ‘ from thence be carried to the Place of Execution,
 ‘ where you are severally to be hang’d by the Neck,
 ‘ but not till you are dead, for you are to be cut
 ‘ down alive; your Bowels to be taken out, and
 ‘ burnt before your Faces ; your Heads sever’d from
 ‘ your Bodies ; your Bodies to be divided into four
 ‘ Parts ; and those are to be at the King’s Disposal.”
 ‘ —And the Lord have Mercy on your Souls.

They all desired to be recommended to His Majesty for Mercy, with Tears in their Eyes. Then the Court adjourn’d to Wednesday the 30th of July.

Town-Hall, St. Margaret’s - Hill, Wednesday, July 30, 1746.

THIS Evening the Court, according to Adjournment met, but did not proceed on Business, and Mr. Baron *Clive* adjourn’d it till the next Day.

St. Margaret’s-Hill, July 31, 1746.

This Morning the Right Hon. the Lord Chief Justice *Lee*, the Right Hon. Lord Chief Justice *Willes*, Mr. Justice *Wright*, Mr. Justice *Foster*, Mr. Baron *Reynolds*, and Mr. Baron *Clive*, came into Court, and being seated, the Cryer made Proclamation for Silence ;

Silence ; and the Keeper brought *James Nicholson*, a Lieutenant in the Duke of *Perth's* Regiment, and *Donald M'Donald*, otherwise *David Mac Donald*, otherwise *Daniel Mac Donald*, a Captain in *Cappock's* Regiment, to the Bar, and they desired to retract their former Plea, which the Court having granted, they pleaded Guilty ; and hop'd the Court would recommend them to his Majesty's Mercy.

Alexander M'Growther was then called, and put to the Bar, and for his Trial put himself upon God and his Country, and after making some Exceptions, a Jury was sworn to try him.

The Council for the King having opened the Indictment, that the Prisoner was a Lieutenant in the Duke of *Perth's* Regiment, they proceeded to call their Witnesses, and Mr. *Allen* was call'd and sworn accordingly.

Sol. Gen. Pray, Sir, acquaint the Court of all that you know of the Prisoner.

Mr. Allen. There are two *M'Growther's*, but this is the oldest, and he was a Lieut. in the Duke of *Perth's* Regiment ; and the first Time he was in Arms in the Pretender's Service was the latter End of last *August*. He was a Tenant to the Duke of *Perth*, and accepted a Commission in the Rebel Service ;— he was called Lieutenant in *Perth's* Regiment by the Officers and Soldiers, and marched in his *Highland* Drefs with the Rebels from their first beating up for Volunteers in *Scotland*.—He was at *Edinburgh*, and seem'd very glad when the Pretender had got Possession of the City, and encouraged the Soldiers to be diligent, for that there was no Fear of Success, and if they were hearty, vigilant and active, he did not doubt but they should succeed. He wore a white Cockade at *Edinburgh*, a Dirk by his Side, had Pistols in his Girdle, and a blue Bonnet, and the *Highland* Rebels paid a great Respect to him. He was at *Perth* when Possession was taken of that Town by the Pretender's

Pretender's Party, and always acted there as an Officer; and at every Place where the Rebels came, was very warm in their Cause, bidding the Rebels under his Command keep a good Heart and fear nothing.—He spoke this at the Battle of *Preston Pans*; and every Attack they made, he spirited up his Brother Officers, and desired them to keep a good Look-out, and take Care the Soldiers did their Duty.

Mr. *Maddox* was next call'd and sworn, who depos'd, That he saw the Prisoner at *Carlisle*, in his Highland Dress, at the Time when his Royal Highness the Duke besieged the City;—that he was in a Highland Plaid, a Bonnet, a White Cockade and Dirk, and was called Lieutenant *McGrouther*, and greatly esteem'd by the Rebels.

The Captains *Vere* and *Nevet*, who are Officers in the King's Service, depos'd, That when the Rebels surrender'd themselves, they had Orders from his Royal Highness the Duke to examine all the Rebel Officers, and when they examined the Prisoner Mr. *McGrouther*, he owned that he was an Officer (a Lieutenant) in the Duke of *Perth's* (as the Rebels call'd him) Regiment; and that he gave in his Name as an Officer;—and all the Witnesses agreed, that the Prisoner was under no Restraint, but acted as voluntarily as the other Rebel Officers.

Prisoner's Defence.

The Prisoner's Council insisted, that the Duke of *Perth* had compelled him to enter into the Rebellion, and had threaten'd him, if he refus'd to join them, to burn his House to the Ground, to destroy all his Cattle and Stock of Corn, and to lay waste all that belonged to him;—and to prove this they called four Witnesses, who, in general, depos'd, That several of the Duke of *Perth's* Men came and threaten'd him the Prisoner with Destruction, if he refus'd joining the Rebel Forces; and, that being compelled, he
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was forced to join them to save himself from Ruin.

The Evidence, on both Sides being clos'd, my Lord Chief Justice summ'd up the Evidence to the Jury; and as the Proof was very strong, and it appearing that he marched with the Rebels, and enlisted at the Beginning of the Rebellion, and continued with them till the Surrender of *Carlisle*, the Jury (without going out of Court) found him Guilty.

And then the Court adjourned to the second of *August*.

St. Margaret's Hill, Aug. 2, 1746.

THIS Day the Court met, and the Right Hon. my Lord Chief Justice *Willes*, Sir *James Reynolds*, and Sir *Michael Foster* being seated, *James Stratton*, Surgeon in the Duke of *Perth's* Regiment, and Surgeon of the Garrison of *Carlisle*, was brought to the Bar, and for his Trial he put himself on God and his Country: The Witnesses that were produced for the King, not proving that he was in Arms; and allowing that he was forc'd into the Service, and that he never bore Arms, he was, after a short Trial, acquitted, and, by Order of Court discharged out of Custody.

WALTER OGILVIE, Lieut. in Lord *Lewis Gordon's* Regiment, was brought to the Bar, and pleaded Guilty; and ask'd Pardon of the Court for pleading (in his former Plea) Not Guilty; and he hop'd (as he was a young Man) the honourable Court would recommend him to his Majesty's Mercy.

After *Walter Ogilvie* had pleaded Guilty, he with
James

James Nicholson, Donald M^cDonald, and Alexander M^cGrouther, were called to the Bar, and severally asked what they had to say, why the Court should not award Judgment of Death against them according to Law, upon their Conviction for High-Treason?

They said they rely'd on his Majesty's Mercy; tho' Serj. *Wynne* mov'd in Arrest of Judgment, but that Motion was soon over-ruled by the Court; The Lord Chief Justice *Willes* made a Speech to them, so expressive of the Foulness of their Guilt, the Miseries and Calamities they had brought upon their Country, and of the dreadful Consequences to this Nation in general, if Success had attended them, that it not only brought Tears from them, but from most of the Hearers, who were all mov'd with Indignation at the base Practices of the Prisoners; and then his Lordship said,

You *James Nicholson*, you *Donald M^cDonald* and you *Walter Ogilvie*, you have been convicted of High-Treason on your own Confessions; And you *Alexander M^cGrouther* have been convicted by an impartial Jury of High-Treason, after a very fair and impartial Trial.

And then his Lordship pronounced the Judgment of Death as is before inserted to be pronounced by the Lord Chief Justice *Lee* on the 17 Rebels at the same Place.

After which the Court adjourned to the 23d of *August*, when the Grand Jury are to meet; and the Petty Jury were adjourned till they should be again summoned to give their Attendance.

F I N I S.

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